

Type of Order:	DISCIPLINARY CONSENT ORDER
Date of Order:	9 August 2021
Committee name:	REGULATION AND CONDUCT COMMITTEE ('the Committee')
Details of IP:	<b>Andrew Ryder of JT Maxwell Limited</b> an IPA member and Licensed Insolvency Practitioner (IP).
Summary of complaint:	<p>This Order is made in relation to a complaint that Mr Ryder in his role as Liquidator of a company, breached the Fundamental Principle of Professional Competence and Due Care of the Insolvency Code of Ethics when he,</p> <ol style="list-style-type: none"> <li>1. Failed to take sufficient steps to verify employees' claims before submitting RP14A forms to the Redundancy Payments Service.</li> <li>2. Failed to independently verify the information provided to him by the Company's director before submitting the RP14A forms.</li> <li>3. Failed to raise any concerns with the Redundancy Payments Service as to the veracity of the employees' claims, either before or after submitting the RP14A forms.</li> </ol> <p>Accordingly, Mr Ryder was found liable to disciplinary action under the IPA's Articles of Association.</p>
Summary of sanctions:	<p>The Common Sanctions Guidance provides for a severe reprimand and fine of £5,000, as a starting point, where there has been a serious breach of the Fundamental Principle of Professional Competence and Due Care.</p> <p>When considering sanction, the Committee considered that the loss to the Redundancy Payments Service following monies paid out was an aggravating factor. The Committee agreed that the fact that Mr Ryder was targeted as part of an organised fraud was mitigation and in addition to this, he had implemented more robust processes before the complaint was raised, so there was unlikely to be a recurrence of the issues identified in this case.</p> <p>In the circumstances it was agreed that the net effect of the aggravating and mitigating factors was nil.</p> <p>The Committee imposed a disciplinary order that Mr Ryder be severely reprimanded, fined £5,000 and required to pay £2,512.50 towards the costs.</p>