

Type of Order: DISCIPLINARY CONSENT ORDER

Date of Order: 16 June 2022

Committee name: REGULATION AND CONDUCT COMMITTEE

Details of IP: Adam Boys an IPA member and Licensed Insolvency Practitioner (IP).

Summary of complaint: This Order is made in relation to a complaint that between March and May 2020 Mr Boys in his role as advisor and/or nominee of two Individual Voluntary Arrangements (IVAs) breached the fundamental principle of professional competence and due care of the Insolvency Code of Ethics, when he breached/failed to comply with:

1. Principle 3 of SIP 3.1 by failing [when advising and obtaining instructions from two debtors] to ensure that the information and explanations provided to the debtors was sufficient to enable them to make an informed judgement that an IVA was the appropriate solution.
2. Principle 5 of SIP 3.1 by failing to ensure that [he was satisfied that] the IVA was achievable.
3. Principle 6 of SIP 3,1 by failing in one case to provide sufficient information to enable creditors to make an informed decision in relation to the proposal and the IVA.

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

Summary of sanctions: The Common Sanctions Guidance (CSG) provides for a Severe Reprimand and a fine of £5,000 as a starting point, where there has been a serious failure to comply with the fundamental principle of Competence and Due Care.

When considering the appropriate sanction, the Committee agreed that Mr Boys' acceptance of the misconduct and the implementation of new systems to prevent any recurrence of the misconduct was mitigation. The Committee therefore considered that the disciplinary sanction and level of fine should be lower than the starting point.

The Regulation and Conduct Committee imposed a consent order that Mr Boys receive a Reprimand and pay a fine of £3,000.