

Type of Order:	DISCIPLINARY CONSENT ORDER
Date of Order:	15 April 2021
Committee name:	REGULATION AND CONDUCT COMMITTEE
Details of IP:	Samantha Warburton of Creditfix Limited an IPA member and Licensed Insolvency Practitioner (IP).
Summary of complaint:	<p>This Order is made in relation to a complaint that Ms Warburton, in her role as Trustee of a Protected Trust Deed, breached the Fundamental Principle of Professional Competence and Due Care when she failed to adequately undertake closure formalities and ensure creditors received all monies due to them prior to her release from office.</p> <p>Accordingly, Ms Warburton was found liable to disciplinary action under the IPA's Articles of Association.</p>
Summary of sanctions:	<p>The Committee agreed that this was an error, therefore 'inadvertent' and 'less serious' with reference to the Common Sanctions Guidance (CSG).</p> <p>The CSG provides for a reprimand and a fine of £2,000, as a starting point, where there had been a less serious failure to comply with the Fundamental Principle of Professional Competence and Due Care. The Committee considered the loss to the estate/creditors as an aggravating factor, however it noted that funds had been returned to the debtor and that the mistake was not attributable to Ms Warburton.</p> <p>The Committee imposed a disciplinary order that Ms Warburton be reprimanded, fined £1,000, undertake to rectify the position of the creditors, and pay £1,200 towards the costs. The level of the fine was reduced in consideration of the undertaking to repay £1,418 to creditors.</p>