

Type of Order:	DISCIPLINARY CONSENT ORDER
Date of Order:	22 March 2023
Committee name:	REGULATION AND CONDUCT COMMITTEE
Details of IP:	Donald Harper of The Insolvency Group, an IPA Member and Licensed Insolvency Practitioner.
Summary of complaint:	<p>An Order has been made in relation to an allegation that Mr Harper in his role as Nominee for an Individual Voluntary Arrangement ('IVA'), breached Statement of Insolvency Practice ('SIP') 3.1 when he failed, at that time, to have adequate procedures in place to ensure, that;</p> <ul style="list-style-type: none"> • the debtor received the appropriate advice in relation to an IVA [SIP 3.1 paragraph 13 (a)]; and • proportionate investigations into, and verification of, income and expenditure and assets and liabilities were carried out [SIP 3.1 paragraph 13 (d)]. <p>Accordingly, Donald Harper was found liable to disciplinary action under the IPA's Articles of Association.</p>
Summary of sanctions:	<p>The Common Sanctions Guidance ('CSG') provides for a reprimand and a fine of £1,500 as a starting point, where there has been a failure to comply with a SIP.</p> <p>The Committee was satisfied that the conduct fell within the less serious category of the CSG because even though the incorrect inclusion of third-party benefits in the IVA was fundamental, it was a one-off error. In mitigation Mr Harper had accepted the facts and taken remedial steps to improve internal procedures to prevent any recurrence of this issue. The Committee ordered that Mr Harper be reprimanded and fined £1,000.</p>