

Type of Order:	DISCIPLINARY CONSENT ORDER
Date of Order:	13 November 2023
Committee name:	REGULATION AND CONDUCT COMMITTEE ('the Committee')
Details of IP:	Joseph Sadler, formerly of Elwell, Watchorn & Saxton LLP an Insolvency Practitioners Association ('IPA') member, and Licensed Insolvency Practitioner.
Summary of complaint:	<p>This Order is made in relation to an allegation that Mr Sadler breached the fundamental principle of competence and due care of the Insolvency Code of Ethics when in his role as officeholder of 82 cases, he failed to satisfy the IPA that adequate Professional Indemnity Insurance ('PII') cover was in place in breach of the IPA's PII regulations.</p> <p>Accordingly, Mr Sadler 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 severe reprimand and a fine of £5,000 as the starting point for a serious failure to comply with the fundamental principle of professional competence and due care.</p> <p>When considering the appropriate sanction, the Committee decided that failure to bring the lack of PII cover to the attention of the IPA at the time it was identified was an aggravating factor. However, in mitigation the Committee agreed that Mr Sadler was dealing with the complexities of exiting a business partnership at the time the issue arose, he had only exposed himself personally to the risk; and he had taken remedial action to obtain retrospective cover. The Committee agreed that the mitigating factors outweighed the aggravating factors and that a fair sanction should be lower than the proposed starting point in the CSG.</p> <p>The Committee imposed a disciplinary order that Mr Sadler be reprimanded and fined £2,000.</p>