

Type of Order:	DISCIPLINARY CONSENT ORDER
Date of Order:	5 July 2022
Committee name:	REGULATION AND CONDUCT COMMITTEE (the Committee)
Details of IP:	Mr Paul Atkinson of FRP Advisory Trading Limited, Brentwood an IPA member and Licensed Insolvency Practitioner (IP).
Summary of complaint:	<p>This Order is made in relation to a complaint that Mr Atkinson in his role as Trustee in Bankruptcy,</p> <ol style="list-style-type: none"> 1. breached the fundamental principle of Professional Competence and Due Care of the Insolvency Code of Ethics between 7 October 2009 and 14 July 2014, when he failed to perform the duties and obligations of his role as Trustee in Bankruptcy, in that he: <ol style="list-style-type: none"> a. Failed to take steps to oversee or verify the actions of those he instructed to act on his behalf in connection with his responsibilities as Trustee in Bankruptcy. b. Failed to adequately investigate the debtor's financial affairs, including antecedent transactions, for the benefit of the bankruptcy estate. c. Failed to take adequate steps to realise potential assets for the benefit of the bankruptcy estate. d. Signed, as a Statement of Truth, a witness statement prepared on his behalf when he had not checked the content or veracity of the statement. 2. breached the fundamental principle of Professional Behaviour of the Ethics Code, when he failed to take into consideration the clear intentions of the majority creditor, when disallowing its proxy vote at a meeting held to agree the Trustee's remuneration. <p>Accordingly, Mr Atkinson was found liable to disciplinary action under the IPA's Articles of Association.</p>
Summary of sanctions:	<p>Allegation 1</p> <p>The Common Sanctions Guidance 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.</p> <p>The Committee considered that the loss caused to the estate and the fact that Mr Atkinson had previously been sanctioned for similar conduct on another case relating to a lack of oversight and inaccuracies in a witness statement were aggravating factors. The Committee considered that the age of the conduct and proactive steps taken by Mr Atkinson to address the root cause of the conduct to prevent any recurrence were mitigating factors.</p>

The Committee imposed a disciplinary order that Mr Atkinson be Severely Reprimanded, fined £5,000.

Allegation 2

The Common Sanctions Guidance provides for a Severe Reprimand and a fine of £3,000 as a starting point, where there had been a failure to comply with the fundamental principle of professional behaviour. The Committee did not identify any mitigating or aggravating factors.

The Committee decided to impose a disciplinary order that Mr Atkinson be Severely Reprimanded, fined £3,000.

Overall Sanction

The considering the overall sanction the Committee noted that the conduct was aged, and steps had been taken as far back as 2012-2013 to address the root cause of the issues. The Committee imposed a disciplinary order that Mr Atkinson be Severely Reprimanded and fined £8,000.