



Type of Order:	DISCIPLINARY CONSENT ORDER
Date of Order:	28 February 2024
Committee name:	REGULATION AND CONDUCT COMMITTEE (the Committee)
Details of IP:	Tracey Whittaker of Creditfix Limited an Insolvency Practitioners Association ('IPA') member and Licensed Insolvency Practitioner ('IP').
Summary of complaint:	<p>This Order is made in relation to a complaint that Ms Whittaker in her role of Supervisor of an Individual Voluntary Arrangement ('IVA') between November 2021 and January 2023, breached the fundamental principle of professional competence and due care when she;</p> <ol style="list-style-type: none">1. failed to progress the case to closure; and2. failed to respond to the debtor's numerous requests for an update on the status of her IVA. <p>Accordingly, Ms Whittaker 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>In mitigation, the Committee noted Ms Whittaker's acceptance of the failings and the newly implemented changes to the processes for closure. Ms Whittaker refunded her supervisor's fees to allow 100 pence in the pound to be paid to all creditors.</p> <p>The Committee noted that the aggravating factors were that there were multiple deficiencies that should have been addressed or resolved at an earlier stage. Ms Whittaker should have been aware of what was happening on the case and adequate processes in place to ensure that the case was administered competently. In addition, she allowed a variation to be put to creditors without establishing the correct position of claims.</p>

The Committee agreed that the implementation of new systems and processes in the closure department cannot be given much weight as they had not been verified. It agreed that equal weight should be given to the mitigating and aggravating factors.

Taking into consideration the overall circumstances, the Committee agreed that a fair and proportionate sanction would be a Consent Order comprised of a severe reprimand, a fine of £5,000.