

How to complain about an Insolvency Practitioner

Who can complain about an insolvency practitioner?

If you are a debtor, a creditor, or an employee, director or shareholder of an insolvent company and are dissatisfied in regards to the professional work of an insolvency practitioner or their staff you are entitled to make a complaint. An insolvency practitioner may act as or be known as:

- a trustee in bankruptcy
- an administrator of a deceased insolvent estate
- a liquidator if a company is to be wound up and it's assets sold
- a provisional liquidator
- an administrator
- an administrative receiver
- a nominee or supervisor of a voluntary arrangement
- a trustee of a partnership

Step 1

Contact your Insolvency Practitioner directly.

If you're not happy with the activities of the Insolvency Practitioner or a member of their staff you can make a formal complaint to them. You can make your complaint by phone or in writing. The contact details are as follows:

Insolvency Practitioner Complaints
Wilkin Chapman LLP
Cartergate House
26 Chantry Lane
Grimsby
DN31 2IJ

Telephone: 01472 262626 and ask for the Insolvency Practitioner Complaints.

What will happen next?

1. Wilkin Chapman LLP will send you a letter or email acknowledging your complaint within 5 working days of receiving it;
2. Your complaint will be recorded in the Insolvency Practitioner complaints register;

3. Your complaint will be referred to the Insolvency Practitioner who will ascertain the facts as quickly as possible and seek additional information from you as required;
4. The Insolvency Practitioner will investigate and respond promptly to your complaint but in any case within 8 weeks of sending you an acknowledgement letter or email;
5. The Insolvency Practitioner will keep you aware of the steps that are being taken to investigate your complaint and if for any reason it will take longer than 8 weeks to respond you will be informed of the reasons for this and will be given a revised time estimate;
6. If the Insolvency Practitioner concludes that a complaint is unjustified then they will provide you with (in writing) a full and clear explanation of the reasons for that conclusion. In appropriate circumstances you will be referred to the matters affecting the duties of the Insolvency Practitioner, including the relevant legislation;
7. If it is concluded that an error has been made or that the activities in question have fallen below a reasonable standard then in so far as possible the error will be rectified as soon as possible and you will be offered an apology.

In appropriate circumstances where the complaint refers directly to the actions of the Insolvency Practitioner it may be considered appropriate for the complaint to be reviewed by a Partner in the firm who will review the complaint and respond accordingly and in accordance with the policy as set out above.

Step 2

Complain to the Insolvency Service's Complaints Gateway

If you're not happy with how the Insolvency Practitioner has dealt with your complaint, you can complain to the Insolvency Service's Complaints Gateway. They will assess your complaint and pass it onto the relevant authorising body. This will be the authorising body that your IP is registered with.

You can fill in a complaint form on the Insolvency Service Complaints Gateway website at www.insolvencydirect.bis.gov.uk

- You can either email the completed form to: ip.complaints@insolvency.gsi.gov.uk ;or
- You can post it to: IP Complaints
3rd Floor
1 City Walk
Leeds
LS11 9DA

The complaint form can be filled in online at <https://www.gov.uk/complain-about-insolvency-practitioner>.

If you have any queries about your complaint or need help completing the form you can ring the Insolvency Enquiry Line on: 0300 678 0015 (Monday to Friday 9:00am – 5:00pm) or you can email the following address: insolvency.enquiryline@insolvency.gsi.gov.uk

Further information about the Complaints Gateway

What is the Complaints Gateway and who does it cover?

The Complaints Gateway is run by the Insolvency Service and is the single entry point system for complaints about Insolvency Practitioners. The Gateway covers all complaints against insolvency practitioners across the full range of insolvency procedures.

What complaints are not covered by the Gateway?

The Gateway cannot reverse or alter a decision of an insolvency practitioner nor can it intervene in matters of a commercial or legal nature. Only the courts can rule on these matters. If you are dissatisfied with a court order such as a bankruptcy or a winding-up order against your company, you should seek independent legal advice. You should be aware that there are statutory time limits for appealing against orders or findings of the court.

Can you complain about an insolvency practitioner's expenses or fees?

Yes you can. The Gateway will deal with complaints about an insolvency practitioner's fees and expenses, but only if they are guilty of unprofessional, improper or unethical actions such as:

- misconduct by failing to seek authorisation for the fees or
- charging fees that unfair or unreasonable.

If there is no misconduct involved, the level of remuneration an insolvency practitioner receives is a commercial matter and cannot be considered by the Insolvency Service's Complaints Gateway.

Step 3

Complaining about the Insolvency Service

If you're not happy with how the Insolvency Service Complaints Gateway has dealt with your complaint, you can complain to the Insolvency Service.

Information about how to make a complaint can be found on their website at www.gov.uk.

Alternatively, you can ring the Insolvency Enquiry Line on 0300 678 0015 or email them at: Insolvency.Enquiryline@insolvency.gsi.gov.uk.

Complaint to the Insolvency Practitioner's Authorising body

At any time you are free to refer your complaint directly to the Insolvency Practitioner's Authorising Body and the details of the Authorising Body are set out below:

Matthew Dix (IP No. 21492)

Authorising Body: Insolvency Practitioner's Association (IPA)
Address: Valiant House
1st Floor
4-10 Heneage Lane
London
EC3A 5DQ
Telephone: 020 7397 6430
Email: secretariat@ipa.uk.com

Gary Taylor (IP No. 23230)

Authorising Body: Insolvency Practitioner's Association (IPA)
Address: Valiant House
1st Floor
4-10 Heneage Lane
London
EC3A 5DQ
Telephone: 020 7397 6430
Email: secretariat@ipa.uk.com