

DEPARTMENT OF ENTERPRISE, TRADE and INVESTMENT

THE INSOLVENCY SERVICE CHARTER

SERVICE FIRST

THE NEW CHARTER PROGRAMME

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FOREWORD

This charter sets out the standards of service you can expect from the staff who work in the Insolvency Service. It reflects our commitment to deliver a high standard of service to all our users. It also gives details about what you can do should you feel that these standards have not been met.

We provide a high quality service to all persons financially affected by a bankruptcy or the failure of a company wound up by the High Court. To assist in achieving this, we employ specialist staff with professional training in insolvency law and accountancy, supported by administrative staff familiar with insolvency procedures. We are dedicated to implementing the principles on which Service First the new Charter programme for Northern Ireland is based.

We have a record of impartiality and integrity which all our staff are proud of and dedicated to maintaining. I am equally confident that we will continue to deliver a high standard of service to all our customers in the future.

REG NESBITT
Director of Insolvency

16 January 2001

1. WHAT WE DO

The Insolvency Service manages and investigates the affairs of bankrupts and companies in liquidation, establishes the reasons for insolvency and reports on misconduct.

What is insolvency?

The most commonly used definition of insolvency is the inability of an individual or company to pay debts when they become due. The Official Receiver is appointed by the High Court, following the making of a bankruptcy/winding-up order, to handle the early stages of a bankruptcy or compulsory liquidation.

A bankruptcy order is an order made by the High Court against an individual who is unable to pay their debts.

A winding-up order is an order made by the High Court against a company or partnership which cannot pay its debts.

The Official Receiver's role

The Official Receiver is a civil servant and an officer of the High Court.

He and his staff manage the affairs of bankrupts and companies in compulsory liquidation, investigate the affairs of individuals in bankruptcy and companies in compulsory liquidation, and report evidence of criminal offences to the Director of Public Prosecutions.

Reports on unfit conduct by directors of companies in compulsory liquidation are submitted to the Department of Enterprise, Trade and Investment which decides whether to commence court proceedings to disqualify a director.

2. WHERE WE ARE

Our office is located in Fermanagh House, Ormeau Avenue, Belfast and is open to the public between 9.00 am and 5.00 pm, Monday to Friday. Our telephone number is (028) 90251441.

Visitors to Fermanagh House will find commercial car parking facilities available at conveniently placed car parks or on-street parking during the day. Parking facilities close to the building are shown on the map in the middle of this booklet.

3. CONTACT WITH OUR STAFF

Our staff will:

- be efficient, courteous and helpful at all times;
- wear identification badges when dealing with you in the office;
- carry and produce identification when they visit your home or business;
- give their name when answering the phone and in correspondence;
- treat all customers consistently and impartially; and
- treat all personal information confidentially and use it only as allowed by law.

4. OUR STANDARDS OF SERVICE

We will provide the following standards of service:

Calling at Our Office

We will:

- be open to the public between 9.00 am and 5.00 pm on Monday to Friday (except for Public and Bank Holidays);
- attend to you within 10 minutes of arrival when you call at our office for an appointment;
- try to see you where possible if you call without an appointment (however it is advisable to make an appointment with the person dealing with your case); and
- conduct all interviews in private.

Our building is accessible to, and has toilet facilities suitable for, people with disabilities.

Enquiries

- We will give a full reply to written enquiries within 15 working days. If it is not possible to give a full reply within this timescale we will let you know why within 5 working days and tell you when you can expect a full response.
- We aim to answer telephone calls, at our switchboard, within 10 seconds. If the first person you speak to cannot deal with your enquiry in full, you will be passed to someone who can. If necessary we will call you back within 24 hours.

Service to Creditors

We will:

- report to creditors on assets and liabilities within 12 weeks of the making of bankruptcy and winding-up orders; and

- call creditor's meetings within 12 weeks of the making of bankruptcy and winding-up orders where it is considered appropriate that a meeting should be held.

Submission of Disqualification Cases to Departmental Solicitor

We will submit cases to the Departmental Solicitor within 21 months from the date of insolvency where proceedings are proposed.

Other targets are included in the Insolvency Service's Published Standard.

Monitoring

- We monitor our performance against the standards and publish the results in the Insolvency Service Annual Report. Copies of the report can be purchased from The Stationery Office Bookshop, 16 Arthur Street, Belfast BT1 4GD.

- Our standards of service are reviewed regularly and our latest standards and performance will be displayed in our reception area and published in the Insolvency Service Annual Report.
- We have included a statement of our performance for the most recent monitoring period with this charter and this will be updated annually.

5. HOW YOU CAN HELP US

You can help us by:

- quoting relevant references, as set out in any correspondence sent to you from the office, when telephoning us;
- providing a full and frank disclosure of all relevant information; and
- replying quickly to our correspondence or requests for further information.

6. IF THINGS GO WRONG

Whilst it is our aim to give the best possible service, problems occasionally occur. If you are not satisfied with our service, or if you have encountered any other problem, please let us know so that immediate steps can be taken to put matters right. We can guarantee that there will be a full and fair investigation of your complaint and you will be told what is happening. If a mistake has been made, we will apologise and try to put it right immediately. You can make your complaint either by phone, or by writing to the office.

In most cases it will be possible to sort problems out informally and quickly by contacting the person you have been dealing with or his or her immediate supervisor. This is usually the best way to resolve problems or minor differences of opinion which have arisen. However, if you are not satisfied with the answer you receive or if you feel that insufficient action is taken to deal with the problem you can, if you wish, make a formal complaint in writing. You should contact the Customer Relations Officer at:

Customer Relations Officer
The Insolvency Service
Fermanagh House
Ormeau Avenue
Belfast
BT2 8NJ
Tel No: (028) 90251441

The Customer Relations Officer will investigate your complaint and will give you a full reply within 10 working days; if that is not possible he/she will issue a letter to you explaining why and stating when he/she will send a full reply.

If you are not satisfied with the response of the Customer Relations Officer, you should write to the Director of the Insolvency Service:

Mr W R Nesbitt
The Insolvency Service
Fermanagh House
Ormeau Avenue
Belfast BT2 8NJ
Tel No: (028) 90251441

He will call for a full report on your complaint to make sure that you were dealt with according to our standards of service. He will give a full reply to your complaint within 10 working days; if that is not possible, he will issue a letter to you explaining why and stating when he will send a full reply.

In all cases your complaint will be:

- acknowledged within 2 working days;
- investigated thoroughly; and
- treated confidentially.

Parliamentary Ombudsman for Northern Ireland

If you remain dissatisfied you can ask a Member of the Legislative Assembly (MLA) (it does not have to be your local one) to refer your complaint to the Parliamentary Ombudsman for Northern Ireland. The Ombudsman will normally expect you to have used our complaints procedure before considering your complaint. The Ombudsman can only enquire into the administrative functions undertaken by our staff in their dealings with you; he cannot investigate how a decision was made in a bankruptcy or liquidation as this would be a matter to be determined by the High Court.

You may contact the Ombudsman at:

The Ombudsman's Office

Progressive House

33 Wellington Place

Belfast

BT1 6HN

Fax: (028) 90234912

Phone: 0800 343424. This call is free.

E-mail: ombudsman@ni-ombudsman.org.uk

Or, you can write to:

The Ombudsman

Freepost

Belfast

BT1 6BR

No stamp is required.

General Control by the Court

If you are a bankrupt, company director, creditor or if you have been affected by a decision made by the Official Receiver in relation to a bankruptcy or compulsory liquidation, you may apply to the High Court for a review of this decision. Applications should be addressed to the Master (Bankruptcy), Royal Courts of Justice, Chichester Street, Belfast, BT1 3JF.

7. IMPROVING OUR SERVICE

We welcome your suggestions on how the service we provide might be improved. If you have any comments or ideas for improvements, you should write to the Director of Insolvency at the address on page 10.

An Insolvency Service User Group will meet at least once a year to consider improvements that can be made to our service and to provide feedback on performance from our customers. If you would like to know more about its work please contact the person named at the address shown in Section 8.

8. HOW TO CONTACT US

Our address is: Fermanagh House
Ormeau Avenue
Belfast
BT2 8NJ

Contact – Jack Reid

Our telephone number is (028) 90251441.

Our fax number is (028) 90548555.

You can also contact us by e-mail on
insolvency@detini.gov.uk

Appendix A

USEFUL TELEPHONE NUMBERS

GENERAL ENQUIRIES	(028) 90548531
CREDITORS CLAIMS	(028) 90548563
CUSTOMER COMPLAINTS	(028) 90548539
PUBLICATION REQUESTS	(028) 90548531
FAX NUMBER	(028) 90548555
E-MAIL ADDRESS	insolvency@detini.gov.uk

Appendix B

FURTHER INFORMATION AVAILABLE

The following six publications are available free of charge from the Insolvency Service:-

Guidance Notes for Persons seeking authority to act as an Insolvency Practitioner

Guidance Notes for Completion of Statement of Affairs.

Article 111 – Compulsory Winding Up

Guidance Notes for Completion of Your Statement of Affairs.

Article 246 – Debtor’s Bankruptcy Petition

Guidance Notes for Completion of Statement of Affairs.

Article 261 – Creditor’s Bankruptcy Petition

Getting your Discharge from Bankruptcy – a guide to what happens if a bankruptcy petition was presented against you before 1 October 1991

An outline of the Insolvency (NI) Order 1989 and Part II of the Companies (NI) Order 1989

Published copies of these can be obtained free of charge from our counter staff or by telephone request to our receptionist on Belfast (028) 90548531.

Copies of the Insolvency Service Annual Report can be purchased from:-

The Stationery Office Bookshop
16 Arthur Street
Belfast, BT1 4GD

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INSOLVENCY SERVICE PERFORMANCE SUMMARY
FOR 1999 - 2000

Key Target	Target	Result
Attend to callers, who have appointments, within 10 minutes	100%	92%
Give a full reply to written enquiries within 15 working days	100%	98%
Answer all telephone calls at our initial enquiry point within 10 seconds	100%	- *
Report to creditors on assets and liabilities within 12 weeks of the order	100%	100%

Key Target	Target	Result
Hold creditors meetings within 12 weeks of the order when it is considered appropriate that a meeting should be held	100%	100%
Submit disqualification cases to the *Crown Solicitor for prospective proceedings within 21 months from the date of insolvency in those cases where proceedings are proposed	95%	63%

*During 1999-2000 disqualification cases were submitted to the Crown Solicitor. Since July 2000 such cases have been submitted to the Departmental Solicitor.

* Information not currently available.

THIS CHARTER IS ALSO AVAILABLE IN LARGE
PRINT FROM THE INSOLVENCY SERVICE. PLEASE
ASK ANY OF OUR STAFF FOR A COPY OR
TELEPHONE OUR RECEPTIONIST ON BELFAST
(028) 90548531.

This charter will also be available in Chinese from January 2001.