

**DEPARTMENT OF ENTERPRISE, TRADE and INVESTMENT**

**THE INSOLVENCY SERVICE  
PUBLISHED STANDARD**

***SERVICE FIRST***

**THE NEW CHARTER PROGRAMME**

## **The Insolvency Service – Published Standard**

### **1. What we do**

We, through our Official Receiver, deal with and investigate the affairs of people who have become bankrupt and companies ordered to be wound up by the High Court (compulsory liquidation). We establish the reasons for the insolvency; and report on misconduct by bankrupt people and directors.

We aim to provide a professional, efficient and helpful service to all our users – whether creditors, employees of insolvents, insolvency practitioners, bankrupts, directors and company officers or indeed anyone financially affected by a bankruptcy or compulsory liquidation (winding up).

#### **We:**

- employ specialist staff with professional training in insolvency law and accountancy, supported by administrative staff familiar with insolvency procedures.
- publish targets for our work and report on our performance in our Annual Report; and
- consult our users about our performance and review our standards and guidance in the light of these consultations.

### **2. What we cannot do**

We cannot give you advice on individual insolvency problems, for example, we cannot give advice on whether or not you should become bankrupt or whether you should follow up alternatives to bankruptcy. You should get your own legal or financial advice from a Citizens' Advice Bureau, an authorised insolvency practitioner, a solicitor, a qualified accountant or a reputable financial adviser or advice centre.

### 3. The standards of service you can expect

#### Generally

- We will answer your phone calls between 9am and 5pm Monday to Friday on normal working days. We will connect you directly to the person dealing with your case whenever possible. When that person is not available, a message will be left for them to contact you or someone else will deal with your enquiry and will return your call within one working day.
- We will answer letters or faxes needing a reply within 15 working days of receiving them. In some cases this may not be possible because we need to do more research before we can give you a full reply. In these circumstances, we will send an acknowledgement within five working days. This acknowledgement will say when we will send a full reply.

#### Creditors

*The Official Receiver will aim:*

- to send reports to creditors on the assets and liabilities of the insolvent person within 12 weeks of the bankruptcy or winding-up order; and
- if there are significant assets, to call the first meeting of creditors within 12 weeks of the bankruptcy or winding-up order to allow you and other creditors to appoint an insolvency practitioner from the private sector. He or she will sell the assets and make payments to you and the other creditors.

You can get a guide for creditors to insolvency procedures by telephoning 028 9054 8531 or by e-mail to [insolvency@detini.gov.uk](mailto:insolvency@detini.gov.uk) or by writing to us at

Insolvency Service  
Fermanagh House  
Ormeau Avenue  
BELFAST  
BT2 8NJ

## **Employees**

You may be entitled to payments under employment protection law. If the Official Receiver is trustee or liquidator and is told or becomes aware that you are, or were, an employee of a bankrupt person or a company in compulsory liquidation and that you may have a claim for unpaid salary, holiday pay, pay instead of notice or redundancy pay, we will:

- send you form RPI within 10 working days so you can give details of your employment and any debts owed to you (for example, pay, holiday pay and redundancy money);
- check your claim when you return it and send it within 10 working days to the Department for Education and Learning Redundancy Payments Branch (any payments properly due to you will be made directly to you by the Redundancy Payments Branch. They will take off any income tax and national insurance that applies).

The Redundancy Payments Branch will take the decision on whether you are entitled to any payment.

You can contact Redundancy Payments Branch by phone on Freephone 0800 585811. This call is free of charge.

If an insolvency practitioner is appointed as trustee or liquidator, he or she will deal with your claims and send you the appropriate forms if we have not already dealt with this.

## **Insolvency practitioners**

If you are appointed to a case, the Official Receiver will aim to pass it to you within eight working days of your nomination, appointment or agreement to act.

## **Bankrupts, directors and company officers**

By law, bankrupts and officers of a company in compulsory liquidation must give all information required by the Official Receiver about the insolvency and be interviewed, if this is necessary. In some cases the Official Receiver will need to interview you immediately to deal with urgent matters relating to, for example, specific actions, assets, and employees.

- If you do not have to be interviewed immediately, the Official Receiver will write to you within two working days of receiving the bankruptcy order or winding-up order from the High Court. The letter will confirm an appointment for you to go to the Official Receiver's office normally within eight working days of the date the letter was sent. The letter will also give the name of the officer dealing with your case.
- We will give you a map showing the Official Receiver's office and clearly written guidance explaining the processes of bankruptcy and compulsory liquidation.
- We will see you no later than ten minutes after the fixed appointment time. If in exceptional circumstances this cannot be done, we will explain why and tell you how long you will have to wait. Or, you may be offered another appointment
- We will see you in private where possible.

### **4. If you are not satisfied with the standard of service you have received**

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 9054 8531

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 9054 8531

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](mailto:ombudsman@ni-ombudsman.org.uk)

Or, you can write to:

The Ombudsman  
Freepost  
BELFAST  
BT1 6BR

No stamp is required.

## **5. 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.

THE PUBLISHED STANDARD IS ALSO AVAILABLE IN LARGE PRINT FROM THE INSOLVENCY SERVICE.

PLEASE ASK ANY OF OUR STAFF FOR A COPY OR TELEPHONE OUR RECEPTIONIST ON 028 9054 8531.

The published standard will also be available in Chinese from January 2001.

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