



**Insolvency
Practitioners
Association**



How it works: The insolvency complaints process

While the vast majority of insolvencies proceed correctly, it's important that you know how to make a complaint if you are dissatisfied with an Insolvency Practitioner's work. Initially, we advise you to make the complaint directly to the Insolvency Practitioner.

Insolvency Practitioners are regulated

There are four insolvency regulators in the UK, which are responsible for licensing Insolvency Practitioners, as well as dealing with complaints. The Insolvency Practitioners Association (IPA) and another regulator cover the UK insolvency market, and the two others mainly regulate those in Scotland and Northern Ireland respectively. The IPA is the UK's only dedicated insolvency regulator and the largest by insolvencies covered.

The law

Insolvency Practitioners must comply with UK insolvency law, as well as the insolvency Code of Ethics and Statements of Insolvency Practice. If they are licensed by the IPA, Insolvency Practitioners must also comply with our specific requirements, such as our insolvency guidance papers.

How do I make my complaint?

There is a dedicated Complaints Gateway for insolvency complaints, which can be accessed at: www.gov.uk/complain-about-insolvency-practitioner. The Gateway was set up by the **Insolvency Service**, a Government agency that supervises the insolvency regulators, to provide a single access point to register a complaint. When the complaint is made, it is processed by the Insolvency Service. If the Insolvency Service decides there are grounds for the matter to proceed, it will refer the complaint to the regulator responsible for licensing the Insolvency Practitioner.

What can I make a complaint about?

You can complain about an Insolvency Practitioner's conduct within the last three years. You can't make a complaint on a commercial or legal dispute. These matters should be dealt with by the courts.

When we receive a complaint

- It is referred to our complaints team, who then need to establish what has happened. To do this, they will speak to the Insolvency Practitioner and the complainant. The team will establish if there are grounds for considering disciplinary action against the Insolvency Practitioner. Please note that not all complaints that are upheld will result in disciplinary action.
- If it is found that there are no grounds for the complaint to proceed, we will explain the position to the lodger of the complaint, who will also be able to see the Insolvency Practitioner's response. **If the complainant doesn't agree with this assessment, they are entitled to contact us to request a review of the decision.**

If there are grounds for considering disciplinary action:

- We will make further inquiries and present the Insolvency Practitioner with formal allegations.
- The matter can then be presented to our Regulation and Conduct Committee for a decision.
- If the Committee is satisfied that there is a case of misconduct, it will either ask the Insolvency Practitioner to agree to a sanction via a process known as a consent order, or, for less serious matters, will issue warnings. **The Committee may decide that the matter needs to be heard by a tribunal. This would happen for more serious complaints or if the Insolvency Practitioner doesn't respond to, or accept the offer of settlement from, the Committee. Tribunals are carried out by our Disciplinary and Appeals Committee.**

If you have any queries on how we handle complaints, you can email regulation@ipa.uk.com or telephone us on 020 7623 5108.

The two committees explained

The Regulation and Conduct and Disciplinary and Appeals Committees form the two tiers of the IPA's regulatory committees. They are responsible for decision-making on matters relating to Insolvency Practitioners' conduct, including disciplinary action.

Both committees comprise IPA members and members from outside the IPA, known as lay members. The Regulation and Conduct Committee operates with a lay majority at meetings, and tribunals are carried out with two IPA members and one lay member. An independent legal assessor, who takes no part in the decision-making, is also present at a tribunal.

How long does it take to resolve a complaint?

Complaints received in our complaints department are acknowledged within 10 working days. The lodger of the complaint can then expect regular correspondence until the complaint is resolved. The majority of complaints are resolved in 3-6 months. Very occasionally, some complaints will take longer to conclude.

What affects the length of time needed to resolve a complaint is the complexity of the complaint and the level of communication required with the parties. We also rely on timely communications being received from the parties. We must also ensure that disciplinary processes are undertaken properly, and therefore matters that escalate to tribunal level may take longer than usual.





Contacts

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