

How to Complain About an Insolvency Practitioner

From 5 June 2013 a complaint relating to an authorised (i.e. licensed) insolvency practitioner's regulated work must be channelled through a common Complaints Gateway hosted by the Insolvency Service in Leeds. If the complaint is within the scope of the complaints system it will then get passed to the IPA for further enquiry.

The Complaints Gateway covers complaints against insolvency practitioners acting in their capacity as an insolvency practitioner in a particular insolvency procedure. The Gateway covers insolvency practitioners regulated by the Insolvency Practitioners Association; the Institute of Chartered Accountants in England and Wales; the Association of Chartered Certified Accountants; the Institute of Chartered Accountants of Scotland; the Institute of Chartered Accountants in Ireland and those insolvency practitioners regulated by the Secretary of State. The Complaints Gateway does not cover complaints made against insolvency practitioners in relation to insolvency procedures governed by Northern Ireland legislation: these complaints need to be made directly to the relevant authorising body of the insolvency practitioner concerned. In addition, those insolvency practitioners authorised by the Solicitors Regulation Authority or by the Law Society of Scotland are not currently part of the Complaints Gateway.

None of the regulators is able to intervene directly in any insolvency case, nor to overturn the decision of an insolvency practitioner, nor that of any Court. A regulator will consider a referral within the context of whether the actions or behaviour of the insolvency practitioner may result in the insolvency practitioner being liable to disciplinary action. For instance there must be an indication of a breach of the insolvency legislation, Statements of Insolvency Practice, RPB regulations and guidance or code of ethics. The allegations should be capable of being supported with evidence.

You are encouraged to try to resolve the complaint with the insolvency practitioner before approaching the Complaints Gateway.

A large proportion of insolvency complaints arise due to a breakdown in communication that has arisen between the insolvency practitioner and the interested party. In most cases, the insolvency practitioner or his/her firm will have an internal complaints procedure and you should try to resolve your dispute directly with the insolvency practitioner before contacting the Complaints Gateway. In most cases this will be a quicker method of resolving your complaint.

That said there may be instances where it is not appropriate to contact the insolvency practitioner, for instance when you are making an allegation of fraud, so please consider the nature of your allegation before contacting the insolvency practitioner.

It is always helpful to keep copies of any letters of complaint and any responses you may have received from the insolvency practitioner/firm and submit these with your complaint form.

Complaints to the single Complaints Gateway may be made either by:

- calling the Insolvency Service Enquiry Line on 0300 678 0015 (Monday to Friday 8am to 5pm), or
- completing and emailing the online complaints form on the Insolvency Service website
- **<https://www.gov.uk/complain-about-insolvency-practitioner>**
- completing the online complaints form and posting it to: IP Complaints, Insolvency Service, 3rd Floor, 1 City Walk, Leeds, LS11 9DA.