



# Complaints Procedure

Information on making a complaint



CUSTOMER SERVICE EXCELLENCE



INVESTOR IN PEOPLE



We are committed to providing a professional, fair, efficient, courteous and helpful service to all our users, whether creditors, insolvency practitioners, bankrupts, directors, redundant employees or indeed anyone with whom we have any dealings. However, if you believe that things have gone wrong and you are dissatisfied with the service you have received from us, we want you to tell us. Then we can seek to resolve your complaint, and also try to ensure it does not happen again. This publication tells you how to make a complaint about the service we provide. All staff in The Insolvency Service receive guidance on how to handle complaints.

### **How do I make my complaint?**

You may be able to resolve the complaint by taking it up immediately with the individual with whom you have been dealing, or with their immediate manager.

#### **Stage 1**

If you cannot resolve the problem there and then, you can write to:

- the local official receiver; or
- the Redundancy Payments Office manager; or
- the Companies Investigation Branch (CIB) supervisor; or
- in the case of our sections, the section head.

Alternatively, register a complaint online via our website at [www.insolvency.gov.uk/complaintform.htm](http://www.insolvency.gov.uk/complaintform.htm) or you can telephone, although you may be asked to set out the details of your complaint in writing.

You can get the contact details for the relevant official receiver, Redundancy Payments Office manager, CIB supervisor or section head from our Insolvency Enquiry Line on 0845 602 9848, or e-mail [Insolvency.Enquiryline@insolvency.gsi.gov.uk](mailto:Insolvency.Enquiryline@insolvency.gsi.gov.uk)

### **What should I include in my complaint?**

Please include:

- your name and address;
- the name of the bankrupt or insolvent company, including the court reference if known. If your complaint is not about an insolvency case, you should give details of what has led to the complaint;
- copies of any correspondence or documents about your complaint;
- the name of the person to whom you first wrote or spoke, and when, to help us find the relevant information;
- details about what has gone wrong or has not been handled properly; and
- how you would like us to resolve your complaint.

### **What will happen next?**

We will try to give a full written reply to your complaint within 10 working days of receiving it. If this is not possible we will send you a written acknowledgement within 5 working days, explaining why and telling you when you can expect a full reply. We recognise that each complaint is different and must be dealt with in a way appropriate to the circumstances. We aim to reply to 90% of all complaints within the above time and the remaining 10% within 20 working days.

## **Stage 2**

### **What if I am not satisfied with the initial response?**

If you are not satisfied with the initial response to your complaint, you should write to:

- the regional director responsible for the official receiver; or
- the director of redundancy payments; or
- the inspector of companies;
- the director for the HQ section involved.

By then you should have been given their details, but if not you can find the contact details by telephoning or e-mailing the Insolvency Enquiry Line.

## **Stage 3**

### **What if my complaint has still not been resolved?**

If you remain dissatisfied with the response from the regional/Corporate Business Services director, director of redundancy payments or the inspector of companies you may be able to ask the Adjudicator to look into your complaint. The Adjudicator is an unbiased referee who makes independent recommendations. You can contact the Adjudicator at:

The Adjudicator's Office  
8th Floor  
Euston Tower  
286 Euston Road  
London  
NW1 3US

Telephone: 0300 057 1111 or 020 7667 1832

Fax: 0300 057 1212 or 020 7667 1830

For more information about the role of The Adjudicator's Office, you can ask for its booklet A06 or visit its website at [www.adjudicatorsoffice.gov.uk](http://www.adjudicatorsoffice.gov.uk). You can also get this booklet from our website and from the official receiver's or redundancy payments offices.

The Adjudicator will be unable to assist if your complaint arises following a request for information under either the Freedom of Information Act 2000 or a subject access request for personal information under the Data Protection Act 1998. Instead if you remain dissatisfied with the way we have handled your request for information you can contact the Information Commissioner at:

Wycliffe House,  
Water Lane,  
Wilmslow,  
Cheshire,  
SK9 5AF.

Phone: 01625 545 700 (switchboard) or  
01625 545 745 (enquiry/information line) Fax:  
01625 524510

For more information about the Information Commissioner and the role of the Commissioner you can visit the website:  
[www.ico.gov.uk](http://www.ico.gov.uk)

You should note that the Information Commissioner might not be willing to consider your request until you have completed the Insolvency Service complaints procedure detailed above.

### **Can I take my case to the Ombudsman?**

You can, at any time, request any MP to ask the Parliamentary and Health Service

Ombudsman to investigate your complaint. You cannot put a complaint directly to the Ombudsman. The Ombudsman is independent of Government and can also investigate complaints about the Adjudicator's Office. You will find information on the role of the Ombudsman from their website [www.ombudsman.org.uk](http://www.ombudsman.org.uk) or in the leaflet, which is available at our offices. Alternatively you can ask for information by writing to the office; contacting the Help Line 0845 015 4033; or emailing on [phso.enquiries@ombudsman.org.uk](mailto:phso.enquiries@ombudsman.org.uk) .

The address of the Ombudsman is:

The Parliamentary and Health Service  
Ombudsman  
Millbank Tower  
Millbank  
London, SW1P 4QP

### **What can I expect?**

We aim to give a high standard of service but unfortunately there may be occasions when we make a mistake. If this happens, you can expect any or a combination of the following:

- an apology;
- an explanation;
- an assurance that the same mistake will not happen again;
- details of the action taken to put things right;
- in certain circumstances, financial compensation.

### **Claiming back your costs**

If we make a mistake or cause an unreasonable delay, you may be entitled to

claim any additional costs you have incurred as a direct result. The compensation due will depend on the nature of the mistake, the circumstances in which the mistake was made, and the actual loss or costs you incur as a direct result of the mistake. Each claim is considered on its own merits.

### **Compensation for worry and distress caused directly by The Insolvency Service**

Unfortunately the nature of our business sometimes leads to stress and worry for our users, over which we have no control. However, we recognise that our mistakes or unreasonable delays could cause you inconvenience or irritation.

If our actions have affected you in this way, please let us know. We may be able to pay you some compensation to acknowledge and apologise for the way we have treated you. These payments, which are not intended to put a value on the distress you have suffered, usually range from £25 to £250.

### **Further mistakes or delays in dealing with your complaint**

If we handle your complaint badly or take an unreasonable time to deal with it, we may pay you compensation on top of any reasonable costs. Again, these payments are usually in the range £25 to £250.

### **What if my complaint is not about The Insolvency Service?**

If you have concerns about the conduct of a bankrupt or director, you should contact the official receiver (or the insolvency

practitioner if one has been appointed as trustee or liquidator). He or she will consider whether further investigation or action is appropriate.

Alternatively, you may register concerns about the actions of disqualified directors or undischarged bankrupts, which you feel may directly contravene any restrictions imposed on them, by calling the Disqualified Directors' Hotline on 0845 601 3546. The Hotline is open 24 hours a day to take your call, and you can find more information about it on our website at [www.insolvency.gov.uk/ourservices/ourservices.htm](http://www.insolvency.gov.uk/ourservices/ourservices.htm)

Again, we will consider whether a full investigation is appropriate. If you want to complain about a particular government policy or legislation on insolvency or employment rights, you can write to the relevant minister or your local MP. For help in identifying the minister or your MP, you can contact your local library or Citizens Advice Bureau, or you can find their details on the House of Commons website at [www.parliament.uk/directories/hciolists/alms.cfm](http://www.parliament.uk/directories/hciolists/alms.cfm)

If you want to complain about an order made by the court - for example if you consider the court should not have made you bankrupt - you should approach the court.

If you want to complain about any omission or decision by a private sector insolvency practitioner trustee or liquidator, you should approach the court that is dealing with the bankruptcy or winding-up. Only the court has the power to reverse or modify their decisions or give them directions.

If your complaint is about the professional conduct of a private sector insolvency practitioner trustee or liquidator, you should write to his or her licensing body (Recognised Professional Body or RPB). You can find more details in our leaflet 'How to make a complaint against an Insolvency Practitioner' [www.insolvency.gov.uk/information/guidanceleaflets/ipcomplaint.htm](http://www.insolvency.gov.uk/information/guidanceleaflets/ipcomplaint.htm)  
The insolvency practitioner should give you details of their RPB, or you can find the information at [www.insolvency-service.co.uk/newipsearch.htm](http://www.insolvency-service.co.uk/newipsearch.htm) or call the Insolvency Enquiry Line on 0845 602 9848.

If you have a dispute with your employer, your insolvency practitioner or your redundancy payments office about your entitlement to redundancy payments, you can appeal to an Employment Tribunal to hear and decide your case. But please note there are time limits for making an application to the Tribunal. You can find more details in Booklet ITL1 'Employment Tribunal Procedure' or from [ww.employmenttribunals.gov.uk](http://ww.employmenttribunals.gov.uk)

### **Users' views**

One of the best ways we can continue to improve our service is by listening and responding to your views. As well as learning from your complaints, we welcome any comments or suggestions you may have on how we can improve. Equally, we would like you to tell us when we get it right to ensure we can maintain our good practices. Please send any comments to your local official receiver or redundancy payments office or

The Insolvency Service  
Customer Services Manager  
Area 5.1  
21 Bloomsbury Street  
London  
WC1B 3QW.

### **More information**

Statistics about complaints received are published on our website at [www.insolvency.gov.uk](http://www.insolvency.gov.uk) with information about changes we have made as a direct result of feedback from our users. This information is also on posters in the reception areas of our offices. The Insolvency Service Charter sets out the standards of service you can expect from us. 'A Guide to The Insolvency Service' gives background information on our work, including that of the official receivers and the redundancy payments office.

You can request further copies of this booklet by email from: [publications@berr.gsi.gov.uk](mailto:publications@berr.gsi.gov.uk) You may also order copies of our publications by telephone by calling the Publications Orderline on 0845 015 0010 (calls to this number are charged at national rate). You may also fax orders to the Orderline on 0845 015 0020. Minicom users should telephone 0845 015 0030.

Publications are also available on our website [www.insolvency.gov.uk](http://www.insolvency.gov.uk) Complaints are monitored by our Secretariat to ensure that standards in dealing with complaints are met and that necessary improvements are identified. The operation of our complaints procedure is reviewed by The Service's Steering Board.



## Complaint or comment

For the immediate attention of:

Name of bankruptcy or company case  
(if relevant) and the court number if you have it:

Please fill in your name and address details so  
we can reply to you:

Title (Mr, Mrs, Miss, Ms, Other)

First name:

Surname:

Address:

Postcode:

Daytime telephone number:

Fax:

e-mail:

**Please give details of your complaint overleaf.**

Details of your complaint or comment:

Please make sure you have included any supporting evidence.

Please hand this in to your local Official Receiver's office or post it to:

The Insolvency Service  
Customer Services Manager  
Area 5.1  
21 Bloomsbury Street  
London  
WC1B 3QW



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<http://www.berr.gov.uk/publications>

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0845 015 0020. Minicom users should telephone 0845  
015 0030.

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[www.insolvency.gov.uk](http://www.insolvency.gov.uk)