

**Insolvency Service**

# **How do I make a complaint against an Insolvency Practitioner?**

**Information about how to make a complaint against an  
insolvency practitioner**

November 2018

This leaflet covers the questions you are most likely to want answered about how to make a complaint against an insolvency practitioner and sets out the steps involved in the complaints investigation process:

- How do I make a complaint about an insolvency practitioner authorised by one of the six Recognised Professional Bodies?
- What should I include in my letter of complaint?
- What can I expect?
- What if my complaint is not about the insolvency practitioner but about a member of his or her staff?
- How do I contact the Recognised Professional Bodies?
- How can I get an insolvency practitioner's actions or decisions reviewed or changed?
- Who are the six Recognised Professional Bodies?

## **Complaints procedure:**

### **Introduction**

A person who acts as a liquidator, trustee in bankruptcy, administrative receiver, administrator or supervisor under individual or company voluntary arrangements must be authorised to act as an insolvency practitioner. The authorisation process was introduced in Northern Ireland in 1991 with the enactment of the Insolvency (Northern Ireland) Order 1989. The process aims to ensure that anyone wishing to act as an insolvency practitioner must meet certain professional requirements in terms of educational standard and experience in dealing with insolvency issues.

Authorisation may be made by one of six professional bodies (listed on pages 5 and 6 of this leaflet) recognised by the Department for the Economy ("the Department") as being competent to do so.

Each authorising body is required to have proper procedures in place to ensure that complaints against those insolvency practitioners it authorises are investigated.

In carrying out their duties, insolvency practitioners must comply with several statutory requirements. They must also follow best practice guidance and ethical guidance.

If you consider that an insolvency practitioner is acting unprofessionally, improperly or unethically, you can make a complaint to the appropriate authorising body or [Complaints Gateway](#).

However, it must be stressed that the Department or the authorising body cannot intervene directly in individual insolvencies; nor can they give directions in relation to the conduct of individual cases or reverse or modify a decision of an insolvency practitioner.

Insolvency, by its very nature, deals with a number of competing interests, most notably between the insolvent person and his or her creditors. Ultimately, commercial and other disputes may only be resolved by the courts, and the

authorising body's disciplinary procedures should not be regarded as an alternative to the powers available to individuals under the Insolvency (Northern Ireland) Order 1989 or otherwise.

Remember, the insolvency practitioner is the person who is in charge of the insolvency case. Therefore complaints against a case administrator or a case manager, for instance, should be taken up with the relevant insolvency practitioner.

### **First step**

If you are unhappy about the conduct of an insolvency practitioner, you may first be able to resolve your complaint by taking it up with the insolvency practitioner concerned.

### **Second step**

If you remain dissatisfied, please remember that any complaint about the professional conduct of an insolvency practitioner should be considered by the relevant authorising body. Therefore, the next step in making a complaint is to identify the appropriate body.

Any insolvency practitioner should give details of their authorising body on request. Alternatively, you can find this information:

- A list of insolvency practitioners is available on the [Department for the Economy's website](#)
- by contacting our General Enquiry Line on 028 9025 1441; or
- by writing to or telephoning the Insolvency Practitioner Unit of The Insolvency Service (see page 7), who will also forward complaints to the appropriate authorising body.

If you are not sure who is acting as the insolvency practitioner for a particular case, you will need to supply the full name of the insolvency case when making your enquiry.

### **How do I make a complaint about an insolvency practitioner authorised by one of the six Recognised Professional Bodies?**

If the complaint relates to an Insolvency Practitioner authorised by the Law Society Northern Ireland and insolvency procedures governed by Northern Ireland legislation, the complaint should be made to the Law Society Northern Ireland. Law Society Northern Ireland will have its own complaints procedure and will explain how to make a complaint.

The six professional bodies are listed at pages 5 and 6 of this booklet. Alternatively details can be obtained from the Information section of our web page.

We take steps to ensure that each of the professional bodies has a proper complaints procedure in force and that it complies with it. However, we have no power to review a professional body's decision and we cannot substitute our judgement for that of the professional body in relation to individual complaints.

If the complaint relates to Insolvency procedures under the insolvency legislation of Great Britain & Northern Ireland and the Insolvency practitioner is authorised by Chartered Accountants Ireland, Institute of Chartered Accountants in England & Wales, Institute of Chartered Accountants in Scotland, Association of Chartered Certified Accountants or the Insolvency Practitioners Association the complaint should be via the [Complaints Gateway](#).

The [Insolvency Service GB website](#) provides guidance on how to complain about an insolvency practitioner.

### **What complaints will the Gateway deal with?**

The Gateway will deal with complaints about an insolvency practitioner who has been formally appointed as office holder and also about work that may lead to an insolvency appointment.

The Gateway will not deal with:

- Complaints about insolvency practitioners licensed by the Law Society of Northern Ireland.

### **Gateway contact details**

E-mail: [insolvency.enquiryline@insolvency.gsi.gov.uk](mailto:insolvency.enquiryline@insolvency.gsi.gov.uk)

Post:           The Insolvency Service  
                  IP Complaints  
                  3<sup>rd</sup> Floor  
                  1 City Walk  
                  Leeds  
                  LS11 9DA

Telephone: 0300 6780015

Website: <https://www.gov.uk/complain-about-insolvency-practitioner>

### **What if my complaint is not about the insolvency practitioner but about a member of his or her staff?**

Ultimately responsibility for case administration rests with the insolvency practitioner. Where your complaint deals with issues relevant to the conduct of a case administrator or a case manager employed by the insolvency practitioner, you should make your complaint, in the first instance, to the insolvency practitioner.

## **How can I get an insolvency practitioner's actions or decisions reviewed or changed?**

If you are unhappy about any omission or decision by an insolvency practitioner, you will probably need to approach the court that is dealing with the case. Only the court has the power to reverse or modify the insolvency practitioner's decision, or to give directions in a particular case. However, you are advised to first seek your own independent legal advice about the remedies available to you.

If you want to complain about a court order — for example, you do not think the court should have made you bankrupt — you should approach the court direct. You are again advised to seek your own independent legal advice about the remedies available to you.

## **Who are the six Recognised Professional Bodies?**

The six professional bodies recognised by the Department to authorise insolvency practitioners are as follows:

### **Association of Chartered Certified Accountants**

Professional Conduct Department  
The Adelphi  
1-11 John Adam Street  
London  
WC2N 6AU

Tel: 020 7059 5000  
Fax: 020 7059 5998

### **Insolvency Practitioners Association**

Valiant House  
4-10 Heneage Lane  
London  
EC3A 5DQ

Tel: 020 7623 5108  
Fax: 020 7623 5127

### **Institute of Chartered Accountants in England & Wales**

Professional Conduct Department  
Metropolitan House  
312 Avebury Boulevard  
Milton Keynes  
MK9 2FZ

Tel: 01908 248 100  
Fax: 01908 248 088

**Institute of Chartered Accountants in Ireland**

Professional Standards Department  
The Linenhall  
32 - 38 Linenhall Street  
Belfast  
BT2 8BG

Tel: 028 9043 5858  
Fax: 028 9031 9320

**Institute of Chartered Accountants of Scotland**

CA House  
21 Haymarket Yards  
Edinburgh  
EH12 5BH

Tel: 0131 347 0100  
Fax: 0131 347 0105

**The Law Society of Northern Ireland**

Law Society House  
96 Victoria Street  
Belfast  
BT1 3EN

Tel: 028 9023 1614  
Fax: 028 9023 2606

**Users' views**

One of the best ways of continuing to improve our service is by listening and responding to your views. As well as learning from your complaints, we welcome comments or suggestions on how we can improve. Equally, we would like you to tell us when we get it right, so that we can maintain our good practices. Please send any comments to:

The Customer Relations Officer  
Insolvency Service  
Fermanagh House  
Ormeau Avenue  
Belfast  
BT2 8NJ

**Further information**

To get further copies of this leaflet, please contact the Insolvency Service at:

Fermanagh House  
Ormeau Avenue  
Belfast  
BT2 8NJ  
Tel: 028 9025 1441  
Fax: 028 9054 8555

- Copies of this leaflet and details of our other publications may also be obtained from the [Department for the Economy website](#).

**This leaflet provides general information only. It is not a full and authoritative statement of the law and you should not rely on it as such. The Insolvency service cannot accept responsibility for any errors or omissions as a result of our negligence or otherwise.**