

# LIQ03

## Notice of progress report in voluntary winding up



Companies House

WEDNESDAY



A16 \*A7F9TPOW\* 26/09/2018 #275  
COMPANIES HOUSE

se  
ie

### 1 Company details

Company number 0 1 2 6 8 9 5 0

Company name in full Whitstone Head Educational Trust Limited

→ Filling in this form  
Please complete in typescript or in  
bold black capitals.

### 2 Liquidator's name

Full forename(s) W Vaughan

Surname Jones

### 3 Liquidator's address

Building name/number The Maltings

Street East Tyndall Street

Post town Cardiff

County/Region

Postcode C F 2 4 5 E Z

Country

### 4 Liquidator's name

Full forename(s) Susan

Surname Clay

① Other liquidator  
Use this section to tell us about  
another liquidator.

### 5 Liquidator's address

Building name/number The Maltings

Street East Tyndall Street

Post town Cardiff

County/Region

Postcode C F 2 4 5 E Z

Country

② Other liquidator  
Use this section to tell us about  
another liquidator.

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**6** Period of progress report

From date	<sup>d</sup> 2	<sup>d</sup> 1	<sup>m</sup> 0	<sup>m</sup> 9	<sup>y</sup> 2	<sup>y</sup> 0	<sup>y</sup> 1	<sup>y</sup> 7
To date	<sup>d</sup> 2	<sup>d</sup> 0	<sup>m</sup> 0	<sup>m</sup> 9	<sup>y</sup> 2	<sup>y</sup> 0	<sup>y</sup> 1	<sup>y</sup> 8

**7** Progress report

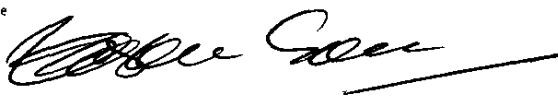
☒ The progress report is attached

**8** Sign and date

Liquidator's signature

Signature

X



X

Signature date

<sup>d</sup> 2	<sup>d</sup> 5	<sup>m</sup> 0	<sup>m</sup> 9	<sup>y</sup> 2	<sup>y</sup> 0	<sup>y</sup> 1	<sup>y</sup> 8
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**Whitstone Head Educational Trust Limited**  
**(In Liquidation)**  
**Joint Liquidators' Summary of Receipts & Payments**

Declaration of Solvency £		From 21/09/2017 To 20/09/2018 £	From 21/09/2015 To 20/09/2018 £
	<b>ASSET REALISATIONS</b>		
1,000.00	Motor Vehicles	NIL	300.00
400.00	Sundry debtors	NIL	13,746.64
	Sundry refunds	NIL	699.81
	Water rates refund	NIL	164.34
303,214.00	Cash at Bank	NIL	306,405.01
	Bank Interest Gross	110.46	440.12
	Bank Interest Net of Tax	NIL	431.82
		<u>110.46</u>	<u>322,187.74</u>
	<b>COST OF REALISATIONS</b>		
	Specific Bond	NIL	330.00
	Preparation of S. of A.	NIL	5,000.00
	Office Holders Fees	6,500.00	16,500.00
	Legal Fees (1)	NIL	3,139.40
	Irrecoverable VAT	1,307.55	6,363.94
	Stationery & Postage	NIL	45.00
	Travelling expenses	NIL	160.80
	Storage Costs	NIL	13,674.35
	Re-Direction of Mail	NIL	240.00
	Statutory Advertising	NIL	216.00
	IT Costs	37.73	137.01
	Other Property Expenses	NIL	1,908.19
	Public liability insurance	784.00	1,550.50
	Wages & Salaries	NIL	1,469.60
	Bank Charges	NIL	40.00
		<u>(8,629.28)</u>	<u>(50,774.79)</u>
	<b>UNSECURED CREDITORS</b>		
(9,264.00)	Trade & Expense Creditors	NIL	NIL
(8,000.00)	Accruals - archiving	NIL	NIL
(4,000.00)	Accrual - run off insurance	NIL	NIL
		<u>NIL</u>	<u>NIL</u>
<b>283,350.00</b>		<b><u>(8,518.82)</u></b>	<b><u>271,412.95</u></b>
	<b>REPRESENTED BY</b>		
	Interest Bearing Current Account		271,412.95
			<b><u>271,412.95</u></b>

Note:



W Vaughan Jones  
Joint Liquidator

**Progress Report to Members – Progress Summary at 21 September 2018**

**Whitstone Head Educational Trust Limited – (In Liquidation)**

**Date of Winding Up: 21 September 2015**

<b>Company's former Address</b>	Whitstone Head School, Whitstone, Holsworthy, EX22 6TJ
<b>Company Registered Number</b>	01268950
<b>Company Registered Office</b>	c/o The Maltings East Tyndall Street Cardiff CF24 5EZ
<b>Liquidators' Name(s) &amp; Address</b>	W Vaughan Jones and Susan Clay Jones Giles & Clay Ltd The Maltings East Tyndall Street Cardiff CF24 5EZ
<b>Date of Liquidators' Appointment</b>	21 September 2015
<b>Basis of Remuneration</b>	<p>Liquidators' fees of £16,500 plus VAT were agreed by the Members by resolution following presentation of the first annual report to 21 September 2016 and has been paid.</p> <p>Time costs incurred to date total £19,687 (analysis attached) with an estimate of future costs to complete this liquidation of £2,600. However as closure date cannot yet be decided, no further fee request is to be made at this stage</p> <p>Background information to help members understand the law and their rights in relation to determining how the liquidator will be paid is available at <a href="http://www.jonesgilesclay.co.uk/creditor-guide-to-fees-in-insolvency.asp">http://www.jonesgilesclay.co.uk/creditor-guide-to-fees-in-insolvency.asp</a></p>

<b>Remuneration charged during the period(s)</b>	£16,500 has been invoiced to date as agreed by the Members on 21 September 2016 of which £6,500 arose in the period under review.
<b>Liquidators' Expenses</b>	£1,109 anticipated (see Estimated Outcome Statement)
<b>Liquidators' Receipts &amp; Payments</b>	A summary of the liquidators' receipts and payments is attached for the 3 years ended 20 September 2018 within a current Estimated Outcome Statement for the liquidation.
<b>Assets realised by the Liquidators</b>	<p>Motor vehicle - £300</p> <p>Debtors - £13,746</p> <p>Refunds - £864</p> <p>Cash at bank - £306,405</p> <p>Bank interest - £872</p>
<b>Outstanding Assets to be realised</b>	None
<b>Outstanding claims</b>	<p>The following alleged "abuse" claims remain to be resolved:</p> <p>According to BLM, solicitors acting for Ecclesiastical insurance (the company's insurers), 3 historic sexual abuse claims were made in 2011/2012 and remain live.</p> <p>No new claims have been received since 2014.</p> <p>Solicitors are seeking to reclaim some funds from a convicted perpetrator on one of the claims and have formally requested that the liquidation remain open until finalised.</p> <p>The claims values are difficult to quantify but it is hoped that all outstanding claims against the company will be covered by insurance; there has been no indications to date that this will not be the case.</p> <p>The liquidation cannot be completed until such time as these matters have been resolved.</p>
<b>Ongoing insurance cover</b>	Run off liability insurance at an annual cost of approximately £800 is being maintained and was renewed in September 2018.

<b>Estimated Outcome Statement</b>	Attached in detail, showing assets realised and costs paid and projected. It is prepared on the basis that the "abuse" claims do not ultimately affect outcome
<b>Comments on Estimated Outcome Statement</b>	A provision for £5,500 has been included in respect of additional liquidators' fees due to extended administration costs associated with maintaining this case as live and fulfilling ongoing statutory obligations.
<b>Unsecured Creditors</b>	Creditors and accrued liabilities as indicated in the directors' Statutory Declaration of Solvency have been paid. No known trading creditors remain.
<b>Distributions to the four stipulated similar charities</b>	<p>None have been made due to the remaining uncertainty regarding the insurance cover for the live abuse claims still being pursued.</p> <p>The cash is being held in an interest bearing account.</p>
<b>Statement of Creditors' or Members' Rights</b>	See attached

## **Whitstone Head Educational Trust Limited – In Liquidation**

**Work undertaken by liquidators during year from 21 September 2017 to 20 September 2018 (i.e. since last annual report)**

Recorded time costs for work undertaken in this period total £3,833. The case has to remain open until all abuse claim issues are satisfactorily resolved.

### **Realisation of assets**

<b>Anticipated work since 21.9.17</b>	<b>Actual work</b>
Reconcile bank and account for additional interest received	As anticipated

### **Work with creditors**

<b>Anticipated work since 21.9.17</b>	<b>Actual work</b>
None	None

### **Other administration tasks**

<b>Anticipated work since 21.9.17</b>	<b>Actual work</b>
Ongoing file administration – dealing with sundry correspondence, emails etc.	As anticipated
Insurance run off – liaise with Trustees regarding this and organising ongoing cover	As anticipated
Ongoing correspondence in respect of “Abuse” claims from ex pupils – dealing with possible future claims	Correspondence on existing claims and the one further claim received post appointment – retrieving information from storage to answer queries from solicitors / insurance company. Correspondence with insurers and solicitors is ongoing likely to continue for some time.
Archiving additional records and pay extra invoice	As anticipated
Six monthly file reviews and production of annual report to members	As anticipated

**Whitstone Head Educational Trust Limited in liquidation**  
**Liquidators' Receipts and payments account**  
Including actuals from 21 September 2015 to 20 September 2018

	Declaration of Solvency	To 20.9.18	Anticipated future	Estimated Total
	£	£	£	£
<b>Receipts</b>				
Motor vehicles	1,000	300	0	300
Refunds	400	864	0	864
Debtors	0	13,746	0	13,746
Cash at bank	303,214	306,405	0	306,405
Interest	0	872	0	872
<b>Total</b>	<b>304,614</b>	<b>322,187</b>	<b>0</b>	<b>322,187</b>
<b>Liabilities and costs of realisation and administration</b>				
Trade and expense creditors	9,264	5,047	0	5,047
Archiving of company records	8,000	13,674	0	13,674
Run-off insurance	4,000	1,551	800	2,351
Pre-liquidation fee	5,000	5,000	0	5,000
Pre-liquidation expenses	500	206	0	206
Liquidators' fees	5,000	16,500	5,500	22,000
Liquidators' expenses	1,500	0	472	472
Agents fees (S Gent work)	0	1,470	0	1,470
Statutory advertising	500	216	0	216
Office holder's bond	0	330	100	430
IT costs	0	137	70	207
Mail redirection	0	240	0	240
Bank charges	0	40	0	40
Irrecoverable VAT	2,500	6,363	1,208	7,571
<b>Total costs</b>	<b>36,264</b>	<b>50,774</b>	<b>8,150</b>	<b>58,924</b>
<b>Net realisations</b>	<b>268,350</b>	<b>271,413</b>	<b>-8,150</b>	<b>263,263</b>
<b>Balance to distribute</b>	<b>268,350</b>	<b>271,413</b>	<b>-8,150</b>	<b>263,263</b>

**Analysis of expenses post liquidation (anticipated)**

£

**Category 1**

Company search / IT costs

207

Office holders bond

430

Postage

10

**647**

**Category 2 (disbursements)**

Room hire (meetings)

0

Books & records storage

330

Stationery

25

Motor mileage expenses

107

**462**

**Total**

**1,109**



Summary of liquidators' time costs budget / actual as at 20 September 2018

\* includes dealing with pre-liquidation outstanding liabilities, negotiations etc.

Item	At date of appointment (21.9.15)	Actual to 20.9.18	Projected to complete liquidation	Projected total to complete liquidation
	Costs	Costs	Costs	Total Costs
Pre-liq fees re Declaration of Solvency and convening of meetings	5,000	5,000	0	5,000
Post liq payments to creditors / wages	6,517	6,517	0	6,517
Pre-liq disbursements	500	45	0	45
Statutory advertising	500	216	0	216
Insurance (run off)	4,000	1,551	800	2,351
Archiving books and records	8,000	13,674	0	13,674
Storage of books and records	400	0	330	330
Stationery / postage / mail redirection	260	240	35	275
Bond	400	330	100	430
Travelling expenses	300	161	107	268
Case management licence fee	140	137	70	207
Bank charges	0	40	0	40
Irrecoverable VAT	2,500	6,363	1,208	7,571
	<u>28,517</u>	<u>34,274</u>	<u>2,650</u>	<u>36,924</u>

## **Insolvency Rules (England and Wales) 2016**

### **Creditors' and members' requests for further information in administration, winding up and bankruptcy**

**18.9.**—(1) The following may make a written request to the office-holder for further information about remuneration or expenses (other than pre-administration costs in an administration) set out in a progress report under rule 18.4(1)(b), (c) or (d) or a final report under rule 18.14—

- (a) a secured creditor;
- (b) an unsecured creditor with the concurrence of at least 5% in value of the unsecured creditors (including the creditor in question);
- (c) members of the company in a members' voluntary winding up with at least 5% of the total voting rights of all the members having the right to vote at general meetings of the company;
- (d) any unsecured creditor with the permission of the court; or
- (e) any member of the company in a members' voluntary winding up with the permission of the court.

(2) A request, or an application to the court for permission, by such a person or persons must be made or filed with the court (as applicable) within 21 days of receipt of the report by the person, or by the last of them in the case of an application by more than one member or creditor.

(3) The office-holder must, within 14 days of receipt of such a request respond to the person or persons who requested the information by—

- (a) providing all of the information requested;
- (b) providing some of the information requested; or
- (c) declining to provide the information requested.

(4) The office-holder may respond by providing only some of the information requested or decline to provide the information if—

- (a) the time or cost of preparation of the information would be excessive; or
- (b) disclosure of the information would be prejudicial to the conduct of the proceedings;
- (c) disclosure of the information might reasonably be expected to lead to violence against any person; or
- (d) the office-holder is subject to an obligation of confidentiality in relation to the information.

(5) An office-holder who does not provide all the information or declines to provide the information must inform the person or persons who requested the information of the reasons for so doing.

(6) A creditor, and a member of the company in a members' voluntary winding up, who need not be the same as the creditor or members who requested the information, may apply to the court within 21 days of—

- (a) the office-holder giving reasons for not providing all of the information requested; or
- (b) the expiry of the 14 days within which an office-holder must respond to a request.

(7) The court may make such order as it thinks just on an application under paragraph (6).

### **Remuneration and expenses: application to court by a creditor or member on grounds that remuneration or expenses are excessive**

**18.34.**—(1) This rule applies to an application in an administration, a winding-up or a bankruptcy made by a person mentioned in paragraph (2) on the grounds that—

- (a) the remuneration charged by the office-holder is in all the circumstances excessive;
- (b) the basis fixed for the office-holder's remuneration under rules 18.16, 18.18, 18.19, 18.20 and

18.21 (as applicable) is inappropriate; or

(c) the expenses incurred by the office-holder are in all the circumstances excessive.

(2) The following may make such an application for one or more of the orders set out in rule 18.36 or

18.37 as applicable—

- (a) a secured creditor,
- (b) an unsecured creditor with either—
  - (i) the concurrence of at least 10% in value of the unsecured creditors (including that creditor), or
  - (ii) the permission of the court, or
- (c) in a members' voluntary winding up—
  - (i) members of the company with at least 10% of the total voting rights of all the members having the right to vote at general meetings of the company, or
  - (ii) a member of the company with the permission of the court.

(3) The application by a creditor or member must be made no later than eight weeks after receipt by the applicant of the progress report under rule 18.3, or final report or account under rule 18.14 which first reports the charging of the remuneration or the incurring of the expenses in question ("the relevant report").

**Applications under rules 18.34 and 18.35 where the court has given permission for the application**

**18.36.**—(1) This rule applies to applications made with permission under rules 18.34 and 18.35.

(2) Where the court has given permission, it must fix a venue for the application to be heard.

(3) The applicant must, at least 14 days before the hearing, deliver to the office-holder a notice stating the venue and accompanied by a copy of the application and of any evidence on which the applicant intends to rely.

(4) If the court considers the application to be well-founded, it must make one or more of the following orders—

(a) an order reducing the amount of remuneration which the office-holder is entitled to charge;

(b) an order reducing any fixed rate or amount;

(c) an order changing the basis of remuneration;

(d) an order that some or all of the remuneration or expenses in question is not to be treated as expenses of the administration, winding up or bankruptcy;

(e) an order for the payment of the amount of the excess of remuneration or expenses or such part of the excess as the court may specify by —

(i) the administrator or liquidator or the administrator's or liquidator's personal representative to the company, or

(ii) the trustee or the trustee's personal representative to such person as the court may specify as property comprised in the bankrupt's estate;

(f) any other order that it thinks just.

(5) An order under paragraph (4)(b) or (c) may only be made in respect of periods after the period covered by the relevant report.

(6) Unless the court orders otherwise the costs of the application must be paid by the applicant, and are not payable as an expense of the administration, winding up or bankruptcy.

**Applications under rule 18.34 where the court's permission is not required for the application**

**18.37.**—(1) On receipt of an application under rule 18.34 for which the court's permission is not required, the court may, if it is satisfied that no sufficient cause is shown for the application, dismiss it without giving notice to any party other than the applicant.

(2) Unless the application is dismissed, the court must fix a venue for it to be heard.

(3) The applicant must, at least 14 days before any hearing, deliver to the office-holder a notice stating the venue with a copy of the application and of any evidence on which the applicant intends to rely.

(4) If the court considers the application to be well-founded, it must make one or more of the following orders—

(a) an order reducing the amount of remuneration which the office-holder is entitled to charge;

(b) an order reducing any fixed rate or amount;

(c) an order changing the basis of remuneration;

(d) an order that some or all of the remuneration or expenses in question be treated as not being expenses of the administration or winding up or bankruptcy;

(e) an order for the payment of the amount of the excess of remuneration or expenses or such part of the excess as the court may specify by —

(i) the administrator or liquidator or the administrator's or liquidator's personal representative to the company, or

(ii) the trustee or the trustee's personal representative to such person as the court may specify as property comprised in the bankrupt's estate;

(f) any other order that it thinks just.

(5) An order under paragraph (4)(b) or (c) may only be made in respect of periods after the period covered by the relevant report.

(6) Unless the court orders otherwise the costs of the application must be paid by the applicant, and are not payable as an expense of the administration or as winding up or bankruptcy.

LIQ03

Notice of progress report in voluntary winding up



**Presenter information**

You do not have to give any contact information, but if you do it will help Companies House if there is a query on the form. The contact information you give will be visible to searchers of the public record.

Contact name	Tony Jopson									
Company name	Jones Giles & Clay Ltd									
Address	The Maltings									
	East Tyndall Street									
Post town	Cardiff									
County/Region										
Postcode		C	F	2	4		5	E	Z	
Country										
DX										
Telephone	029 2035 1490									



**Checklist**

**We may return forms completed incorrectly or with information missing.**

**Please make sure you have remembered the following:**

- ☐ The company name and number match the information held on the public Register.
- ☐ You have attached the required documents.
- ☐ You have signed the form.



**Important information**

**All information on this form will appear on the public record.**



**Where to send**

**You may return this form to any Companies House address, however for expediency we advise you to return it to the address below:**

The Registrar of Companies, Companies House,  
Crown Way, Cardiff, Wales, CF14 3UZ.  
DX 33050 Cardiff.



**Further information**

For further information please see the guidance notes on the website at [www.gov.uk/companieshouse](http://www.gov.uk/companieshouse) or email [enquiries@companieshouse.gov.uk](mailto:enquiries@companieshouse.gov.uk)

**This form is available in an alternative format. Please visit the forms page on the website at [www.gov.uk/companieshouse](http://www.gov.uk/companieshouse)**