

# LIQ14

## Notice of final account prior to dissolution in CVL



Companies House

For further information, please  
refer to our guidance at  
[www.gov.uk/companieshouse](http://www.gov.uk/companieshouse)

### 1 Company details

Company number 04416727  
Company name in full Westminster Academy Limited

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

### 2 Liquidator's name

Full forename(s) Richard Frank  
Surname Simms

### 3 Liquidator's address

Building name/number Alma Park, Woodway Lane  
Street Claybrooke Parva  
Post town Lutterworth  
County/Region Leicestershire  
Postcode LE175FB  
Country

### 4 Liquidator's name ①

Full forename(s)  
Surname

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

### 5 Liquidator's address ②

Building name/number  
Street  
Post town  
County/Region  
Postcode  
Country

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

# LIQ14

## Notice of final account prior to dissolution in CVL

### 6 Liquidator's release

☐ Tick if one or more creditors objected to liquidator's release.

:

### 7 Final account

☒ I attach a copy of the final account.

### 8 Sign and date

Liquidator's signature

Signature

X

*Richard Simms*

X

Signature date

<sup>d</sup>2

<sup>d</sup>2

<sup>m</sup>0

<sup>m</sup>9

<sup>y</sup>2

<sup>y</sup>0

<sup>y</sup>2

<sup>y</sup>0

# LIQ14

## Notice of final account prior to dissolution in CVL



### 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 **Viera Navratilova**

Company name **F A Simms & Partners Limited**

Address  
**Alma Park, Woodway Lane**  
**Claybrooke Parva**

Post town **Lutterworth**

County/Region **Leicestershire**

Postcode 

L	E	1	7		5	F	B
---	---	---	---	--	---	---	---

Country

DX

Telephone **01455 555 444**



### 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)**

**Westminster Academy Limited**  
**(In Liquidation)**  
**Liquidator's Abstract of Receipts & Payments**  
**From 4 August 2016 To 22 July 2020**

Statement of Affairs £		£	£
4,500.00	ASSET REALISATIONS Cash in Hand	4,500.00	4,500.00
	COST OF REALISATIONS Preparation of S. of A. VAT	3,750.00 750.00	(4,500.00)
(4,729.51)	PREFERENTIAL CREDITORS Employee Arrears/Hol Pay	NIL	NIL
(274,851.36)	UNSECURED CREDITORS Trade & Expense Creditors	NIL	
(14,225.19)	Employees	NIL	
(106,495.00)	Directors	NIL	
(19,917.93)	Bank	NIL	
(13,063.87)	H M Revenue & Customs (PAYE)	NIL	
(56,000.00)	Landlord	NIL	NIL
(115,944.00)	DISTRIBUTIONS Ordinary Shareholders	NIL	NIL
<b>(600,726.86)</b>			<b>NIL</b>
	REPRESENTED BY		<b>NIL</b>

Note:

*Richard Simms*

Richard Frank Simms  
Liquidator

Our ref: RFS/VN/9741  
Reply to: Mrs Viera Navratilova  
Email: [vnavratilova@fasimms.com](mailto:vnavratilova@fasimms.com)



22 July 2020

Licensed Insolvency Practitioners  
Business Rescue Professionals

**Private and Confidential**

Dear Sirs

**Westminster Academy Limited ("the Company") – In Creditors' Voluntary Liquidation**

I am now able to conclude the winding up of the affairs of the Company and enclose my final account and notice to creditors and members, together with a receipts and payments account for the whole of the period I was in office.

Also enclosed is a formal notice setting out the final dividend position in respect of the liquidation, although the information in that notice is summarised below.

A dividend will not be declared to unsecured creditors as the funds realised have been used to make payments to meet the expenses of the Liquidation.

Creditors and members should note that provided no objections to my release are received, I shall obtain my release as Liquidator following the delivery of the final notice to the Registrar of Companies, following which my case files will be placed in storage.

If creditors have any queries regarding the conduct of the Liquidation, or if they want hard copies of any of the documents made available on-line, they should contact Viera Navratilova by email at [vnavratilova@fasimms.com](mailto:vnavratilova@fasimms.com), or by phone on 01455 555 444 before my release.

Yours faithfully

*Richard Simms*

**Richard Frank Simms  
LIQUIDATOR**

Enc.

**Offices Nationwide**

**Head Office** - Alma Park, Woodway Lane, Claybrooke Parva, Lutterworth, Leicestershire LE17 5FB

**01455555444      01455552572      [info@fasimms.com](mailto:info@fasimms.com)      [www.fasimms.co.uk](http://www.fasimms.co.uk)**

Member of the Insolvency Practitioners Association. Registered in England Number: 6003034

**Managing Director:** Richard F Simms FCA, FIPA, FABRP

**Director:** Patricia A Simms MICM

R F Simms, & T M Harris are licensed to act as Insolvency Practitioners in the UK by the Insolvency Practitioners Association.

As Insolvency Practitioners, when carrying out all professional work relating to an insolvency appointment, Richard Frank Simms and Thomas Mark Harris are bound by the Insolvency Code of Ethics, as well as by the regulations of their professional body. More details about these matters and general information about F A Simms & Partners Limited that is of relevance to creditors can be found at [www.fasimms.co.uk/download](http://www.fasimms.co.uk/download).

## **Westminster Academy Limited – In Creditors’ Voluntary Liquidation**

### **LIQUIDATOR’S FINAL ACCOUNT TO CREDITORS AND MEMBERS**

#### **EXECUTIVE SUMMARY**

My duties and functions as Liquidator are the realisation of the Company’s assets, the agreement of the claims of creditors, investigation of the Director’s conduct and the Company’s affairs generally, and the eventual distribution of the Liquidation funds between the creditors in accordance with their legal entitlements. This section is a summary of my report although more detail about the assets and liabilities of the Company and our fees and expenses are set out in my report below.

The Purpose of this report is to provide a final draft report to creditors and to put creditors on notice of my intention to seek release from office. The report details my acts and dealing as the Liquidator and it should be read in conjunction with previous correspondence to Creditors.

I would advise that as Insolvency Practitioners, Liquidators are bound by the Insolvency Code of Ethics.

I confirm that no threats have been identified to my compliance with the fundamental principles and safeguards.

#### **STATUTORY INFORMATION**

Company name:	Westminster Academy Limited
Company number:	04416727
Trading address:	Westminster Academy 1st Floor, 146-148 Oxford Street, London, W1D 1NB
Registered office:	F A Simms & Partners Limited, F A Simms & Partners Limited, Alma Park, Woodway Lane, Claybrooke Parva, Leicestershire, LE17 5FB
Former registered office:	Westminster Academy 1st Floor, 146-148 Oxford Street, London, W1D 1NB
Principal trading activity:	Language & business course
Liquidator’s name:	Richard Frank Simms
Liquidator’s address:	Alma Park, Woodway Lane, Claybrooke Parva, Lutterworth, Leicestershire, LE17 5FB
Date of appointment:	4 August, 2016
Actions of Joint Liquidators:	While both Liquidators were in office any act required or authorised under any enactment to be done by a Liquidator might have been done by either or both of the Liquidators acting jointly or alone.

Carolynn Jean Best formerly of F A Simms & Partners Limited, Alma Park, Woodway Lane, Claybrooke Parva, Lutterworth, Leicestershire, LE17 5FB acted as Joint Liquidator of the Company, from her appointment on 4 August 2016 until her resignation with effect from 21 August 2019, when she was removed as Office Holder by a Court Order made by the High Court of Justice in proceedings number CR-2019-005569.

#### **LIQUIDATOR’S ACTIONS SINCE APPOINTMENT**

The Company was placed into Liquidation on 4 August 2016 and Carolynn Jean Best and I were appointed as Joint Liquidators.

Carolynn Jean Best took her release as Joint Liquidator on 21 August 2019.

A decision procedure was issued to creditors following appointment to consider the Liquidators' fee estimate of £17,977.50. This was approved by creditors.

Investigations were undertaken into the conduct of the Company and its Directors, further details of which can be found later in the report. A confidential report was submitted to the Secretary of State by the Liquidators.

Solicitors were instructed to provide assistance with the investigations and issue of a claim and proceedings against the Director, however no recovery has been made in this regard.

I have been dealing with Creditor correspondence and have been reviewing claims received to date.

There is certain work that I am required by the insolvency legislation to undertake work in connection with the liquidation that provides no financial benefit for the creditors. A description of the routine work undertaken since my appointment as Liquidator is contained in Appendix 3.

## **RECEIPTS AND PAYMENTS ACCOUNT**

My Receipts & Payments Account for the period from 4 August 2016 to 22 July 2020 is attached at Appendix 1.

## **ASSET REALISATIONS**

### Cash in Hand

The Director's Statement of Affairs indicated that funds totalling £4,500.00 were on the date of appointment held in the F A Simms & Partners Limited's client account and represented a contribution from the Company towards the costs of liquidation. As previously reported, the sum of £4,500.00 was transferred to the estate account upon my appointment.

### Other Debtors

The Director's Statement of Affairs indicated that there were debtors outstanding in the sum of £49,000.00. This related to rent deposits paid to the Company's Landlord. As previously reported, upon appointment the Landlord confirmed that the sum held in a deposit account is £36,758.23 and this has been offset against the outstanding rent arrears in the sum of £61,740.07. No realisations have therefore been made in this regard.

## **LIABILITIES**

### Secured Creditors

An examination of the Company's mortgage register held by the Registrar of Companies, showed that the Company has no current charges over its assets.

The legislation requires that if the Company has created a floating charge after 15 September 2003, a prescribed part of the Company's net property (i.e. the money that would otherwise be available to the charge holder) should be ring-fenced for distribution to unsecured creditors. In this case there were no creditors secured by a floating charge such that the prescribed part provisions do not apply.

### Preferential Creditors

The statement of affairs anticipated that £4,729.51 was due to preferential creditors. Claims totaling £11,739.17 have been received.

### Crown Creditors

The statement of affairs included £13,063.87 owed to HMRC. HMRC's final claim of £21,816.15 has been received. The claim includes underpayments for the period ending 5 April 2016 and for the period 6 April 2016 to 3 August 2016.

## **Non-Preferential Unsecured Creditors**

The statement of affairs included 51 non-preferential unsecured creditors with an estimated total liability of £471,489.48. I have received claims from 13 creditors at a total of £191,825.26. I have not received claims from 26 creditors with original estimated claims in the statement of affairs of £279,664.22.

## **DIVIDENDS**

A dividend will not be declared to non-preferential unsecured creditors as the funds realised have been used to make payments to meet the expenses of the Liquidation.

## **INVESTIGATION INTO THE AFFAIRS OF THE COMPANY**

I undertook an initial investigation into the Company's affairs to establish whether there were any potential asset recoveries or conduct matters that justified further investigation, taking account of the public interest, potential recoveries, the funds likely to be available to fund an investigation, and the costs involved. Specifically, I recovered, listed and reviewed the Company's accounting records; obtained and reviewed copy bank statements for the 24 months prior to the Company ceasing to trade from the Company's bankers; and compared the information in the Company's last set of accounts with that contained in the statement of affairs lodged in the liquidation and made enquiries about the reasons for the changes.

As previously reported, I considered that further investigation was justified in relation to payments made to connected parties in the 2-year period before the Company was placed into Liquidation.

These investigations were conducted with the assistance of Howes Percival LLP, who acted on a conditional fee arrangement. Proceedings were issued, and a Judgment was obtained against Fazal Khan the Director of the company on 15 October 2018 in the sum of £68,076.95, inclusive of costs. Copies of Court Orders have been returned opened to Howes Percival LLP from the last known address of Fazal Kahn and attempts have been made via tracing agents to establish the current whereabouts of Fazal Khan, but without success. The solicitors have reported that in view of the failure to establish the whereabouts of Fazal Kahn, they will be closing their file.

In light of the absence of information on the whereabouts of Fazal Khan and with no funds with which to continue investigations, there did not appear to be any realistic chance of recovery of Judgment debt and the decision was therefore taken to finalise the investigations and close the case.

Matters requiring further investigation that may lead to potential recovery actions have been identified, and the work outlined above was undertaken to further those investigations with a view to making recoveries for the benefit of the creditors.

Within three months of my appointment as Liquidator, I am required to submit a confidential report to the Secretary of State to include any matters which have come to my attention during the course of my work which may indicate that the conduct of any past or present Director would make them unfit to be concerned with the management of the Company. I would confirm that my report has been submitted.

## **PRE-APPOINTMENT REMUNERATION**

The members and creditors previously authorised the payment of a fee of £4,500.00 plus VAT for my assistance with preparing the statement of affairs and convening and holding the meeting of creditors held on 4 August 2016. An amount of £3,750.00 plus VAT has been drawn on account of these costs and no pre-appointment disbursements have been charged.

The fee for preparing the statement of affairs and arranging and holding the meeting of creditors was paid by the Director. The balance will be paid from the first realisations should any be received.

## **LIQUIDATOR'S REMUNERATION**

My remuneration was approved on a time cost basis based on a fees' estimate of £17,997.50. The fees estimate acts as a cap, and I cannot draw remuneration in excess of that estimate without first seeking approval from the creditors. My total time costs to 22 July 2020 amount to £21,103.50, representing 143.10 of hours work at an average charge out rate of £147.47 per hour, of which £4,039.50, representing 20.40



of hours work, was charged in the period since 4 August 2019, at an average charge out rate of £198.01 per hour. The actual average charge out rate of £147.47 incurred over the life of the case compares with the estimated average charge out rate of £146.76 in my fees estimate.

I have not been able to draw any remuneration in this matter.

As indicated in the approved fees estimate, the following areas of work have been charged on a time cost basis: namely Administration & Cashiering, Investigations, Creditors and Case Specific Matters. The following explains about the areas of work undertaken on a time cost basis, whilst full information about the work that has been undertaken on a time cost basis is contained in Appendix 3.

#### Administration, Planning & Cashiering:

This represents the work that is involved in the routine administrative functions of the case by the office holder and their staff, together with the control and supervision of the work done on the case by the office holder and their managers. It does not give direct financial benefit to the creditors but has to be undertaken by the office holder to meet their requirements under the insolvency legislation and the Statements of Insolvency Practice, which set out required practice that office holders must follow.

#### Investigations:

The insolvency legislation gives the office holder powers to take recovery action in respect of what are known as antecedent transactions, where assets have been disposed of prior to the commencement of the insolvency procedure and also in respect of matters such as misfeasance and wrongful trading. The office holder is required by the Statements of Insolvency Practice to undertake an initial investigation in all cases to determine whether there are potential recovery actions for the benefit of creditors and the time costs recorded represent the costs of undertaking such an initial investigation. If potential recoveries or matters for further investigation are identified then the office holder will need to incur additional time costs to investigate them in detail and to bring recovery actions where necessary and further information will be provided to creditors and approval for an increase in fees will be made as necessary. Such recovery actions will be for the benefit of the creditors and the office holder will provide an estimate of that benefit if an increase in fees is necessary.

The office holder is also required by legislation to report to the Department for Business, Energy and Industrial Strategy on the conduct of the directors and the work to enable them to comply with this statutory obligation is of no direct benefit to the creditors, although it may identify potential recovery actions.

#### Realisation of Assets:

This is the work that needs to be undertaken to protect and then realise the known assets in the case. If this work is undertaken, the office holder anticipates that the assets will realise the estimated to realise amounts provided to creditors.

#### Creditors:

Employees - The office holder needs to deal with the ex-employees in order to ensure that their claims are processed appropriately by the Redundancy Payments Office (RPO). That work will include dealing with queries received from both the ex-employees and the RPO to facilitate the processing of the claims. The office holder is required to undertake this work as part of his statutory functions.

Claims of creditors - the office holder needs to maintain up to date records of the names and addresses of creditors, together with the amounts of their claims as part of the management of the case, and to ensure that notices and reports can be issued to the creditors. The office holder also has to deal with correspondence and queries received from creditors regarding their claims and dividend prospects as they are received. The office holder is required to undertake this work as part of his statutory functions.

#### Case specific matters:

The office holder needs to undertake searches and liaise with the company officers to establish as to whether the company operated a pension scheme. It is also their duty to de-register the company from

the pension auto-enrolment duties. It is also his duties to deal with the company's lease which could include a preparation of a lease disclaimer and delivery of the same to the relevant parties.

A detailed schedule of my time costs incurred to date and since 4 August 2019 is attached as Appendix 2 and a comparison with my original fees estimate is detailed below:

Category	Estimated Time Costs	Actual Time Costs in the period 04/08/16 to 22/07/20	Actual Time Costs in the period 04/08/19 to 22/07/20	Difference
	£	£	£	£
Administration & Planning Including Cashiering	10,632.50	11,466.50	4,039.50	834.00
Case Specific Matters	Nil	130.00	Nil	130.00
Creditors	3,225.00	3,466.50	Nil	241.50
Investigations	3,932.50	5,715.50	Nil	1,783.00
Realisation of Assets	187.50	325.00	Nil	137.50
<b>Total</b>	<b>17,977.50</b>	<b>21,103.50</b>	<b>4,039.50</b>	<b>3,126.00</b>

### **Administration & Planning Including Cashiering**

More time than estimated has been incurred in this work category. Due to issues identified within the investigations and attempts to recover funds owed to the Company, the Liquidation continued over a number of anniversaries which meant that a number of annual reports had to be prepared and other administration and cashiering tasks had to be undertaken for the duration of the case.

### **Case Specific Matters**

The initial estimate did not provide for this work category. However, time was spent de-registering the Company from the pension auto-enrolment duties and preparation of lease disclaimer.

### **Creditors**

Only marginally more time than estimated has been incurred in this category.

### **Investigations**

More time than estimated has been incurred in this work category due to identifying antecedent transactions as mentioned earlier in the report.

### **Realisation of Assets**

Only marginally more time than estimated has been incurred in this work category.

As at 22 July 2020 then as you can see from the information provided in this report, the total time costs I have incurred in this matter, in respect of the categories of work for which I am being remunerated on a time cost basis, have exceeded the total estimated remuneration I set out in my fees estimate when my remuneration was authorised by the creditors. However, I have not drawn remuneration in excess of my fees estimate. The reasons my time costs have exceeded the fees estimate are mainly the costs associated with issues identified within my investigations, including administration costs incurred for the longer than estimated duration of the case.

Further information about creditors' rights can be obtained by visiting the creditors' information micro-site published by the Association of Business Recovery Professionals (R3) at <http://www.creditorinsolvencyguide.co.uk/>. A copy of 'A Creditors Guide to Liquidators' Fees' also published by R3, together with an explanatory note which shows F A Simms & Partners Limited's fee policy are available at the link [www.fasimms.co.uk/download](http://www.fasimms.co.uk/download). Please note that there are different versions of the Guidance Notes and in this case, you should refer to the October 2015 version.

## LIQUIDATOR'S EXPENSES

I have not incurred any expenses in the period since 4 August 2019. In the whole of the Liquidation I have incurred total expenses of £1,088.02, compared to my estimated expenses of £313.94 when my remuneration was authorised by the creditors.

I have not been able to draw any expenses in this matter.

I have incurred the following expenses in the period since my appointment as Liquidator and the last progress report:

Type of Category 1 disbursements	Amount incurred/accrued in the reporting period 4/08/19 to 22/07/20	Amount incurred/accrued in the reporting period 04/08/16 to 22/07/20	Paid	Outstanding
	£	£	£	£
Insolvency Bond	Nil	40.00	Nil	40.00
Legal Fees	Nil	904.10	Nil	904.10
IT Charges	Nil	25.00	Nil	25.00
Statutory Advertising	Nil	115.92	Nil	115.92
Land Registry Search	Nil	3.00	Nil	3.00
<b>Total</b>	<b>Nil</b>	<b>1,088.02</b>	<b>Nil</b>	<b>1,088.02</b>

I have not incurred any category 2 disbursements in the period since my appointment as Liquidator.

I have used the following agents or professional advisors in the reporting period:

Professional Advisor	Nature of Work	Basis of Fees
Howes Percival LLP (formerly Summers Nigh LLP)	Solicitors	Time costs based on a conditional fee agreement

The choice of professionals used was based on my perception of their experience and ability to perform this type of work, the complexity and nature of the assignment and the basis of my fee arrangement with them. I have reviewed the fees charged and am satisfied that they are reasonable in the circumstances of this case.

Howes Percival LLP (formerly Summers Nigh LLP) were instructed to assist with continuing the investigations into the payments made by the Company to connected parties in the 2-year period leading to the Liquidation.

The following table shows a comparison between the originally estimate expenses and actually incurred expenses:

Nature of expense	Estimated expenses	Expenses incurred to date
Insolvency Bond	40.00	40.00
Storage Costs	80.00	Nil
Statutory Advertising	168.94	115.92
IT Charge	25.00	25.00
Solicitors Fees	Nil	904.10
Company Search	5.00	Nil
Land Registry Fee	Nil	3.00
<b>Total</b>	<b>318.94</b>	<b>1,088.02</b>

As you can see above, the total expenses I have incurred in this matter have exceeded the total expenses I estimated I would incur when my remuneration was authorised by the creditors. The reason I have exceeded the expenses estimate are the costs incurred by the solicitors instructed to provide assistance with the recovery of funds due from the director stemming from the payments made to the connected parties prior to liquidation.

## **FURTHER INFORMATION**

An unsecured creditor may, with the permission of the Court, or with the concurrence of 5% in value of the unsecured creditors (including the creditor in question), request further details of the Liquidator's remuneration and expenses within 21 days of their receipt of this final account. Any secured creditor may request the same details in the same time limit.

An unsecured creditor may, with the permission of the Court, or with the concurrence of 10% in value of the unsecured creditors (including the creditor in question), apply to Court to challenge the amount of remuneration charged by the Joint Liquidators as being excessive, and/or the basis of the Joint Liquidators' remuneration, and/or the amount of the expenses incurred as being excessive, within 8 weeks of their receipt of this final account. Any secured creditor may make a similar application to court within the same time limit.

To comply with the Provision of Services Regulations, some general information about F A Simms & Partners Limited can be found at [www.fasimms.co.uk/download](http://www.fasimms.co.uk/download).

During the course of F A Simms & Partners Limited's engagement with the Company prior to the formal appointment of an officeholder, the Board and/or the shareholders of the Company may disclose personal data to us in order that we may provide our services to the Company. The processing of personal data is regulated in the UK by the General Data Protection Regulation EU 2016/679, as supplemented by the Data Protection Act 2018, together with other laws which relate to privacy and electronic communications. In this clause, we refer to these laws as "Data Protection Law". In providing our services, we act as an independent controller and are, therefore, responsible for complying with Data Protection Law in respect of any personal data we process in providing our services to the Company. Our privacy statement can also be accessed at [www.fasimms.co.uk/download](http://www.fasimms.co.uk/download), explains how we process personal data. The Company is also an independent controller responsible for complying with Data Protection Law in respect of the personal data you process and, accordingly, where you disclose personal data to us you confirm that such disclosure is fair and lawful and otherwise does not contravene Data Protection Law. Terms used in this clause bear the same meanings as are ascribed to them in Data Protection Law.

## **SUMMARY**

The winding up of the Company is now for all practical purposes complete and I am seeking the release of myself as the Liquidator of the Company. Creditors and members should note that provided no objections to my release are received I shall obtain my release as Liquidator following the delivery of the final notice to the Registrar of Companies, following which my case files will be placed in storage.

If creditors have any queries regarding the conduct of the Liquidation, or if they want hard copies of any of the documents made available on-line, they should contact Viera Navratilova by email at [vnavratilova@fasimms.com](mailto:vnavratilova@fasimms.com), or by phone on 01455 555 444 before my release.

*Richard Simms*

**Richard Frank Simms**  
**LIQUIDATOR**

**ENC**

## APPENDIX 1

**Westminster Academy Limited**  
**(In Liquidation)**  
**Liquidator's Summary of Receipts & Payments**

Statement of Affairs £		From 04/08/2019 To 22/07/2020 £	From 04/08/2016 To 22/07/2020 £
	ASSET REALISATIONS		
4,500.00	Cash in Hand	NIL	4,500.00
		NIL	4,500.00
	COST OF REALISATIONS		
	Preparation of S. of A.	NIL	3,750.00
	VAT	NIL	750.00
		NIL	(4,500.00)
	PREFERENTIAL CREDITORS		
(4,729.51)	Employee Arrears/Hol Pay	NIL	NIL
		NIL	NIL
	UNSECURED CREDITORS		
(19,917.93)	Bank	NIL	NIL
(106,495.00)	Directors	NIL	NIL
(14,225.19)	Employees	NIL	NIL
(13,063.87)	H M Revenue & Customs (PAYE)	NIL	NIL
(56,000.00)	Landlord	NIL	NIL
(274,851.36)	Trade & Expense Creditors	NIL	NIL
		NIL	NIL
	DISTRIBUTIONS		
(115,944.00)	Ordinary Shareholders	NIL	NIL
		NIL	NIL
<b>(600,726.86)</b>		<b>NIL</b>	<b>NIL</b>
	REPRESENTED BY		
			<b>NIL</b>

Note:

## APPENDIX 2

# Time Entry - SIP9 Time & Cost Summary

9741 - Westminster Academy Limited  
Project Code: POST  
From: 04/08/2019 To: 22/07/2020

Classification of Work Function	Partner	Manager	Other Senior Professionals	Assistants & Support Staff	Total Hours	Time Cost (£)	Average Hourly Rate (£)
Administration & Planning	2.90	14.35	0.10	3.05	20.40	4,039.50	198.01
Case Specific Matters	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Creditors	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Investigations	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Non Chargeable	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Realisation of Assets	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Trading	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Hours</b>	<b>2.90</b>	<b>14.35</b>	<b>0.10</b>	<b>3.05</b>	<b>20.40</b>	<b>4,039.50</b>	<b>198.01</b>
<b>Total Fees Claimed</b>						<b>0.00</b>	
<b>Total Disbursements Claimed</b>						<b>0.00</b>	



# Time Entry - SIP9 Time & Cost Summary

9741 - Westminster Academy Limited  
Project Code: POST  
From: 07/08/2016 To: 22/07/2020

Classification of Work Function	Partner	Manager	Other Senior Professionals	Assistants & Support Staff	Total Hours	Time Cost (£)	Average Hourly Rate (£)
Administration & Planning	18.80	35.95	2.20	10.15	67.10	11,466.50	170.89
Case Specific Matters	0.00	1.30	0.00	0.00	1.30	130.00	100.00
Creditors	1.20	27.80	0.20	4.10	33.30	3,466.50	104.10
Investigations	10.30	26.00	0.00	3.60	39.90	5,715.50	143.25
Non Chargeable	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Realisation of Assets	1.00	0.50	0.00	0.00	1.50	325.00	216.67
Trading	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Hours</b>	<b>31.30</b>	<b>91.55</b>	<b>2.40</b>	<b>17.85</b>	<b>143.10</b>	<b>21,103.50</b>	<b>147.47</b>
<b>Total Fees Claimed</b>						<b>0.00</b>	
<b>Total Disbursements Claimed</b>						<b>0.00</b>	

## APPENDIX 3

### Administration:

This represents the work involved in the routine administrative functions of the case by the office holder and their staff, together with the control and supervision of the work done on the case by the office holder and their managers. It does not give direct financial benefit to the creditors but has to be undertaken by the office holder to meet their requirements under the insolvency legislation and the Statements of Insolvency Practice, which set out required practice that office holders must follow.

Case planning - devising an appropriate strategy for dealing with the case and giving instructions to the staff to undertake the work on the case.

Setting up physical/electronic case files.

Setting up the case on the practice's electronic case management system and entering data.

Issuing the statutory notifications to creditors and other required on appointment as office holder, including gazetting the office holder's appointment.

Obtaining a specific penalty bond (this is insurance required by statute that every insolvency office holder has to obtain for the protection of each estate).

Convening and holding decision procedures and general meetings of members.

Dealing with all routine correspondence and emails relating to the case.

Opening, maintaining and managing the office holder's estate bank account.

Creating, maintaining and managing the office holder's cashbook.

Undertaking regular reconciliations of the bank account containing estate funds.

Reviewing the adequacy of the specific penalty bond on a quarterly basis.

Undertaking periodic reviews of the progress of the case.

Overseeing and controlling the work done on the case by case administrators.

Preparing, reviewing and issuing annual progress reports to creditors and members.

Filing returns at Companies House.

Preparing and filing Corporation Tax returns.

Seeking closure clearance from HMRC and other relevant parties.

Preparing, reviewing and issuing final reports to creditors and members.

Preparing the final account.

Filing final returns at Companies House.

### Realisation of assets:

Liaising with the bank regarding the closure of the account.

Instructing solicitors to assist in the realisation of assets.

### Creditors:

Employees - The office holder needs to deal with the ex-employees in order to ensure that their claims are processed appropriately by the Redundancy Payments Office (RPO). The office holder is required to undertake this work as part of their statutory functions.

Claims of creditors - the office holder needs to maintain up to date records of the names and addresses of creditors, together with the amounts of their claims as part of the management of the case, and to ensure that notices and reports can be issued to the creditors. The office holder also needs to deal with correspondence and queries received from creditors regarding their claims and dividend prospects as they are received. The office holder is required to undertake this work as part of his statutory functions.

Obtaining information from the case records about employee claims.

Completing documentation for submission to the Redundancy Payments Office.

Corresponding with employees regarding their claims.

Liaising with the Redundancy Payments Office regarding employee claims.

Dealing with creditor correspondence, emails and telephone conversations regarding their claims.

Maintaining up to date creditor information on the case management system.

Reviewing proofs of debt received from creditors, adjudicating on them and formally admitting them for the payment of a dividend.

### Investigations:

Recovering the books and records for the case.

Listing the books and records recovered.

Submitting an online return on the conduct of the directors as required by the Company Directors Disqualification Act.

Conducting an initial investigation with a view to identifying potential asset recoveries by seeking and obtaining information from relevant third parties, such as the bank, accountants, solicitors, etc.

Reviewing books and records to identify any transactions or actions the office holder may take against a third party in order to recover funds for the benefit of creditors

Case Specific Matters:

Undertaking searches to establish whether the Company operated a pension scheme

Making enquiries with the directors regarding existence of a Company pension scheme

De-registering the Company from pension auto-enrolment duties

Communicating with the Company landlord in relation to the lease in the name of the Company

Preparing a lease disclaimer and delivering the same to all the relevant parties

## APPENDIX 4

## Notice of Final Account of

### Westminster Academy Limited ("the Company") – In Creditors' Voluntary Liquidation

Company registered number: 04416727

**NOTICE IS GIVEN** by the Liquidator, Richard Frank Simms, under rule 6.28 of The Insolvency (England and Wales) Rules 2016 and section 106 of The Insolvency Act 1986, that the company's affairs have been fully wound up.

1. Creditors have the right under rule 18.9 of The Insolvency (England and Wales) Rules 2016 to request further details of the Liquidator's remuneration and expenses. That request must be made to the Liquidator within 21 days of receipt of the final account, and with either the permission of the Court, or with the concurrence of 5% in value of the unsecured creditors (including the creditor in question). Secured creditors may also request further details.
2. Creditors have the right under rule 18.34 of The Insolvency (England and Wales) Rules 2016 to apply to Court to challenge the amount and/or basis of the Liquidator's fees, and/or the amount of any expenses incurred. That application must be made within 8 weeks of receipt of the final account, and with either the permission of the Court, or with the concurrence of 10% in value of the creditors (including the creditor in question). Secured creditors may also make an application.
3. Creditors may object to the release of the Liquidator by giving notice in writing to the Liquidator at the address given below before the end of the prescribed period. The prescribed period will end at the later of: 8 weeks after delivery of this notice; or, if any request for information regarding the Liquidator's remuneration and/or expenses is made under rule 18.9, or if any application is made to Court to challenge the Liquidator's fees and/or expenses under rules 18.34 or 18.35, when that request or application is finally determined.
4. The Liquidator will vacate office under section 171 of the Insolvency Act 1986 when, upon expiry of the prescribed period that creditors have to object to their release, they deliver to the Registrar of Companies the final account and a notice saying whether any creditor has objected to their release.
5. The Liquidator will be released under section 173 of the Insolvency Act 1986 at the same time as vacating office, unless any creditors objected to their release.

Creditors requiring further information regarding the above, should either contact me at Alma Park, Woodway Lane, Claybrooke Parva, Lutterworth, Leicestershire, LE17 5FB, or contact Viera Navratilova by telephone on 01455 555 476, or by email at [vnavratilova@fasimms.com](mailto:vnavratilova@fasimms.com).

DATED THIS 22ND DAY OF JULY 2020

*Richard Simms*

**Richard Frank Simms**  
**Liquidator**

## APPENDIX 5

**Notice about final dividend position**

**Westminster Academy Limited (“the Company”) – In Creditors’ Voluntary Liquidation**

Company registered number: 04416727

Notice is given under rule 14.36 of The Insolvency (England and Wales) Rules 2016, by Richard Frank Simms, the Liquidator to the creditors of Westminster Academy Limited, that no dividend will be declared to unsecured creditors.

A dividend will not be declared to unsecured creditors as the funds realised have been used to make payments to meet the expenses of the Liquidation.

Creditors requiring further information regarding the above, should either contact me at Alma Park, Woodway Lane, Claybrooke Parva, Lutterworth, Leicestershire, LE17 5FB, or contact Viera Navratilova by telephone on 01455 555 476, or by email at [vnavratilova@fasimms.com](mailto:vnavratilova@fasimms.com).

DATED THIS 22ND DAY OF JULY 2020

*Richard Simms*

**Richard Frank Simms  
Liquidator**



## APPENDIX 6

## **PRACTICE FEE RECOVERY POLICY FOR F A SIMMS & PARTNERS LIMITED**

### **Introduction**

The insolvency legislation was changed in October 2015, with one or two exceptions, for insolvency appointments made from that time. This sheet explains how we intend to apply the alternative fee bases allowed by the legislation when acting as office holder in insolvency appointments. The legislation allows different fee bases to be used for different tasks within the same appointment. The fee basis, or combination of bases, set for a particular appointment is/are subject to approval, generally by a committee if one is appointed by the creditors, failing which the creditors in general meeting, or the Court.

Further information about creditors' rights can be obtained by visiting the creditors' information micro-site published by the Association of Business Recovery Professionals (R3) at <http://www.creditorinsolvencyguide.co.uk/>. Details about how an office holder's fees may be approved for each case type are available in a series of guides issued with Statement of Insolvency Practice 9 (SIP 9) and can be accessed at [www.fasimms.co.uk](http://www.fasimms.co.uk). Alternatively a hard copy may be requested from F A Simms & Partners Limited, Woodway Lane, Claybrooke Parva, Lutterworth, Leicestershire, LE17 5FB. Please note that we have provided further details in this policy document.

Once the basis of the office holder's remuneration has been approved, a periodic report will be provided to any committee and also to each creditor. The report will provide a breakdown of the remuneration drawn. If approval has been obtained for remuneration on a time costs basis, i.e. by reference to time properly spent by members of staff of the practice at our standard charge out rates, the time incurred will also be disclosed, whether drawn or not, together with the average, or "blended" rates of such costs. Under the legislation, any such report must disclose how creditors can seek further information and challenge the basis on which the fees are calculated and the level of fees drawn in the period of the report. Once the time to challenge the office holder's remuneration for the period reported on has elapsed, then that remuneration cannot subsequently be challenged.

Under some old legislation, which still applies for insolvency appointments commenced before 6 April 2010, there is no equivalent mechanism for fees to be challenged.

### **Time cost basis**

When charging fees on a time costs basis we use chargeout rates appropriate to the skills and experience of a member of staff and the work that they perform. This is combined with the amount of time that they work on each case, recorded in 6 minute units with supporting narrative to explain the work undertaken.

### **Chargeout Rates**

<b>Grade of staff</b>	<b>Current chargeout rate per hour, effective from 01 September 2019 £</b>
Insolvency Practitioner	200 - 275
Senior Manager	150 - 200
Manager	75 - 150
Assistant & Support Staff	45 - 110

These charge-out rates charged are reviewed 1 January each year and are adjusted to take account of inflation and the firm's overheads.

From time to time, the firm engages contractors in order to plug a temporary gap in permanent staff resources and the firm has the benefit of secondees, for which there is a reciprocal arrangement where the firm's staff may be seconded to other organisations in the insolvency industry.

Time spent on casework is recorded directly to the relevant case using a computerised time recording system and the nature of the work undertaken is recorded at that time. The work is generally recorded under the following categories:

- Administration and Planning.
- Investigations.
- Realisation of Assets.
- Creditors.
- Trading
- Case specific matters.

In cases where we were appointed prior to 1 October 2015, most of our fees were recovered on a time costs basis and appropriate authority was obtained from the creditors or the committee as set down in the legislation. The legislation changed on 1 October 2015 and on new appointments and we now only seek time costs for the following categories:

- Administration and Planning.
- Investigations.
- Realisation of Assets.
- Creditors.
- Trading
- Case specific matters.

When we seek time costs approval we have to set out a fees estimate. That estimate acts as a cap on our time costs so that we cannot draw fees of more than the estimated time costs without further approval from those who approved our fees. When seeking approval for our fees, we will disclose the work that we intend to undertake, the hourly rates we intend to charge for each part of the work, and the time that we think each part of the work will take. We will summarise that information in an average or "blended" rate for all of the work being carried out within the estimate. We will also say whether we anticipate needing to seek approval to exceed the estimate and, if so, the reasons that we think that may be necessary.

The disclosure that we make should include sufficient information about the insolvency appointment to enable you to understand how the proposed fee reflects the complexity (or otherwise) of the case, any responsibility of an exceptional kind falling on the office holder, the effectiveness with which the office holder has carried out their functions, and the value and nature of the property with which the office holder has to deal.

If we subsequently need to seek authority to draw fees in excess of the estimate, we will say why we have exceeded, or are likely to exceed the estimate; any additional work undertaken, or proposed to be undertaken; the hourly rates proposed for each part of the work; and the time that the additional work is expected to take. As with the original estimate, we will say whether we anticipate needing further approval and, if so, why we think it may be necessary to seek further approval.

### **Percentage basis**

The legislation allows fees to be charged on a percentage of the value of the property with which the office holder has to deal (realisations and/or distributions). Different percentages can be used for different assets or types of assets. In cases where we were appointed prior to 1 October 2015, most of our fees were recovered on a time costs basis and appropriate authority was obtained from the creditors or the committee as set down in the legislation. The legislation changed on 1 October 2015 and we now seek remuneration on a percentage basis more often. A report accompanying any fee request will set out the potential assets in the case, the remuneration percentage proposed for any realisations and the work covered by that remuneration, as well as the expenses that will be, or are likely to be, incurred. Expenses can be incurred without approval, but must be disclosed to help put the remuneration request into context.

The percentage approved in respect of realisations will be charged against the assets realised, and where approval is obtained on a mixture of bases, any fixed fee and time costs will then be charged against the funds remaining in the liquidation after the realisation percentage has been deducted.

The disclosure that we make should include sufficient information about the insolvency appointment to enable you to understand how the proposed fee reflects the complexity (or otherwise) of the case, any responsibility of an exceptional kind falling on the office holder, the effectiveness with which the office holder has carried out their functions, and the value and nature of the property with which the office holder has to deal.

If the basis of remuneration has been approved on a percentage basis then an increase in the amount of the percentage applied can only be approved by the committee or creditors (depending upon who approved the basis of remuneration) in cases where there has been a material and substantial change in the circumstances that were taken into account when fixing the original level of the percentage applied. If there has not been a material and substantial change in the circumstances then an increase can only be approved by the Court.

### **Fixed fee**

The legislation allows fees to be charged at a set amount. Different set amounts can be used for different tasks. In cases where we were appointed prior to 1 October 2015, most of our fees were recovered on a time costs basis and appropriate authority was obtained from the creditors or the committee as set down in the legislation. The legislation changed on 1 October 2015 and we now seek remuneration on a fixed fee basis more often. A report accompanying any fee request will set out the set fee that we proposed to charge and the work covered by that remuneration, as well as the expenses that will be, or are likely to be, incurred. Expenses can be incurred without approval, but must be disclosed to help put the remuneration request into context.

The disclosure that we make should include sufficient information about the insolvency appointment to enable you to understand how the proposed fee reflects the complexity (or otherwise) of the case, any responsibility of an exceptional kind falling on the office holder, the effectiveness with which the office holder has carried out their functions, and the value and nature of the property with which the office holder has to deal.

If the basis of remuneration has been approved on a fixed fee basis then an increase in the amount of the fixed fee can only be approved by the committee or creditors (depending upon who approved the basis of remuneration) in cases where there has been a material and substantial change in the circumstances that were taken into account when fixing the original level of the fixed fee. If there has not been a material and substantial change in the circumstances then an increase can only be approved by the Court.

### **Members' voluntary liquidations and Voluntary Arrangements**

The legislation changes that took effect from 1 October 2015 did not apply to members' voluntary liquidations (MVL), Company Voluntary Arrangements (CVA) or Individual Voluntary Arrangements (IVA). In MVLs, the company's members set the fee basis, often as a fixed fee. In CVAs and IVAs, the fee basis is set out in the proposals and creditors approve the fee basis when they approve the arrangement.

### **All bases**

With the exception of Individual Voluntary Arrangements and Company Voluntary Arrangements which are VAT exempt, the officeholder's remuneration invoiced to the insolvent estate will be subject to VAT at the prevailing rate.

## Agent's Costs

Charged at cost based upon the charge made by the Agent instructed, the term Agent includes:

- Solicitors/Legal Advisors
- Auctioneers/Valuers
- Accountants
- Quantity Surveyors
- Estate Agents
- Other Specialist Advisors

In new appointments made after 1 October 2015, the office holder will provide details of expenses to be incurred, or likely to be incurred, when seeking fee approval. When reporting to the committee and creditors during the course of the insolvency appointment the actual expenses incurred will be compared with the original estimate provided.

## Disbursements

In accordance with SIP 9 the basis of disbursement allocation in respect of disbursements incurred by the Office Holder in connection with the administration of the estate must be fully disclosed to creditors. Disbursements are categorised as either Category 1 or Category 2.

Category 1 expenses are directly referable to an invoice from a third party, which is either in the name of the estate or F A Simms & Partners Limited in the case of the latter, the invoice makes reference to, and therefore can be directly attributed to, the estate. These disbursements are recoverable in full from the estate without the prior approval of creditors either by a direct payment from the estate or, where the firm has made payment on behalf of the estate, by a recharge of the amount invoiced by the third party. Examples of category 1 disbursements are statutory advertising, external meeting room hire, external storage, specific bond insurance and Company search fees.

Category 2 expenses are incurred by the firm and recharged to the estate; they are not attributed to the estate by a third party invoice and/or they may include a profit element. These disbursements are recoverable in full from the estate, subject to the basis of the disbursement charge being approved by creditors in advance. Examples of category 2 disbursements are photocopying, internal room hire, internal storage and mileage.

It is proposed that the following Category 2 disbursements are recovered:

Room Hire	Initial meeting of creditors - £100.00 All other meetings of creditors - £50.00 Any other venue – at actual cost
Mileage	Motor Vehicle at 30p per mile All other forms at actual cost
Storage	Charged at actual cost incurred for storage
Photocopying	15p per sheet of A4 30p per sheet of A3
Company Searches	At actual cost incurred
Postage	At actual cost incurred
Fax / Telephone	Charged at the following rate during connection: Local Calls – 5p per minute National Calls – 10p per minute International Calls – 30p per minute Landline to Mobile Calls (telephone only) 20p per minute