

AM10

Notice of administrator's progress report



Companies House

THURSDAY



A22 *A89XF337*
18/07/2019 #261
COMPANIES HOUSE

A22 *A8504J5F*
17/05/2019 #175
COMPANIES HOUSE

1 Company details

Company number 0 5 2 4 5 9 9 3

Company name in full Orchard Care Homes.com Limited

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

2 Administrator's name

Full forename(s) Sarah

Surname O'Toole

3 Administrator's address

Building name/number 4 Hardman Square

Street Spinningfields

Post town Manchester

County/Region

Postcode M 3 3 E B

Country

4 Administrator's name ①

Full forename(s) Daniel R W

Surname Smith

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

5 Administrator's address ②

Building name/number 30 Finsbury Square

Street

Post town London

County/Region

Postcode E C 2 P 2 Y U

Country

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

AM10

Notice of administrator's progress report

6 Period of progress report

From date	d	2	d	2	m	1	m	1	y	2	y	0	y	1	y	8
To date	d	1	d	5	m	0	m	5	y	2	y	0	y	1	y	9

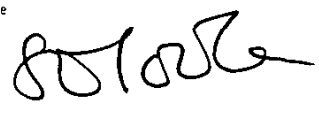
7 Progress report

☒ I attach a copy of the progress report

8 Sign and date

Administrator's
signature

Signature

X  X

Signature date	d	1	d	5	m	0	m	5	y	2	y	0	y	1	y	9
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Orchard Care Homes.com Limited - in administration (the Company)

Recovery and Reorganisation
Grant Thornton UK LLP
4 Hardman Square
Spinningfields
Manchester
M3 3EB

**Joint administrators' progress report for the
period 22 November 2018 to date**

Prepared by: Sarah O'Toole, Joint Administrator

Contact details: Should you wish to discuss any matters in
this report, please do not hesitate to
contact Sian Barraclough on
0161 234 6344

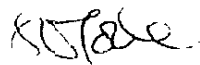
Definitions

The following definitions are used either within the body of this report, the appendices to it, or both.

The Administrators or the Joint Administrators	Sarah O'Toole and Daniel Smith of Grant Thornton UK LLP
The Company	Orchard Care Homes.com Limited
CVL	Creditors' Voluntary Liquidation
The Group	The corporate group within which the Company sat prior to administration
OCH4	Orchard Care Homes.Com (4) Limited – In Administration
OCH5	Orchard Care Homes.Com (5) Limited – In Administration
ORC1	Orchard Residential Care Limited
Proposals	Administrators' Statement of Proposals dated 13 July 2018
VAT	Value added tax

1 Executive summary

- This final report for the Company's administration covers the period from 22 November 2018 to date.
- Our proposals were approved on 25 July 2018 by deemed consent.
- The key work done in the period includes:
 - Liaising with the landlords of properties held by OCH4 and OCH5, two subsidiaries of the Company
 - Dealing with legal advisers and third parties regarding the sale of two intercompany debtor amounts which realised £30,000 (£18,000 after deducting associated legal costs and VAT)
 - Paying final distributions to the secured and unsecured creditors
- You will note that £115,612 has been paid to the unsecured creditors by virtue of the application of section 176A of the Insolvency Act 1986 (prescribed part) (Section 3 – Dividend prospects).
- A final distribution of £1,851 has been paid to the secured creditor.
- As there are insufficient funds to make a distribution to unsecured creditors (other than by virtue of the prescribed part), it is intended to exit the administration and move to dissolution.



Sarah O'Toole
Joint Administrator

14 May 2019

Please be aware fraudsters have been known to masquerade as legitimate administrators. Fraudsters will contact creditors asking for an upfront fee or tax. The joint administrators would never ask for such a payment nor instruct a third party to make such a request.

2 Progress to date

2.1 Strategy and progress since our statement of proposals

As communicated in the Proposals, the administrators have pursued the objective of realising property in order to make a distribution to the secured creditor.

As at the date of our statement of proposals, we had collected all of the assets (cash and debtor balances) that were deemed recoverable and had made an interim distribution to the secured creditor.

Since that date, the majority of time has been spent liaising with pre-appointment suppliers to novate or otherwise transfer legacy supply contracts and associated liabilities to other entities within the Group and in liaising with the landlords of properties occupied by OCH4 and OCH5 in respect of rent liabilities guaranteed by the Company.

In addition, since the date of appointment, amounts have been transferred to the administration which relate to other entities in the Group that have been incorrectly paid to OCH1. The Administrators have ensured that such amounts are transferred to the correct Group entity.

We have also been able to secure the sale of two intercompany debtor balances which had been deemed to be irrecoverable.

We have continued to comply with our statutory duties and requirements.

2.2 Realisation of assets

As stated in the Proposals, the principal assets of the Company relate to investments in subsidiaries, cash, and debtors.

Investments - £nil realised to date; no future realisations anticipated

The Company wholly owns two subsidiaries, OCH4 and OCH5. Both companies are in administration and we do not envisage that any value will be realisable for these investments.

Cash - £32,779 realised to date; no future realisations anticipated

The entire cash balance included on the Directors' statement of affairs, totalling £32,529, had been recovered at the time of our proposals. A further small balance of £250 was received after this date.

Debtors - £671,903 realised to date; no material future realisations anticipated

As stated in the Proposals, the Directors' statement of affairs indicated debtors totalling c£11.3 million.

At the date of our proposals, we had recovered £672,000 from other entities within the Group and highlighted that two other balances due from Trn-Care Limited and Orchard Care Homes.com (7) Limited (other entities within the Group) were fully provided in the Company's management accounts prior to our appointment and were not deemed to be recoverable.

However, since the date of our proposals, we received an unsolicited offer from Plum Bidco Limited (a Group company) totalling £30,000 to assign these two balances to them. Given that this offer (even after accounting for associated legal costs of £10,000 plus VAT) is in excess of the value likely to be realised by the Administration, this offer was accepted and the associated transactions are included in the receipts and payments account at Appendix A.

The only remaining balances relate to amounts due from two other members of the Group (OCH4 and OCH5) which are in administration. Following discussions with the administrators of these two entities, we understand that there may be a small prescribed part distribution from one of these insolvencies.

However, this would not be paid until after the anniversary of the administration of the Company meaning that an extension would be required. Given the additional costs associated with extending and continuing to hold the matter open until a distribution is made by the administrators of OCH4 and OCH5, it was not deemed to be economical to pursue these amounts further. Accordingly, we do not envisage any further realisations from these balances.

3 Creditors

3.1 Secured creditors

ORC1 was granted a fixed and floating charge debenture over the Company's assets on 30 November 2017. At the date of administration the balance due secured by this debenture was £817,000. Womble Bond Dickinson (UK) LLP was engaged in order to advise us on the validity of the security. No issues were identified.

Distributions totalling £461,852 have been paid to ORC1 under its security leaving a shortfall to the secured creditor.

3.2 Preferential creditors

Ordinarily, preferential creditor claims consist of employee claims for wages and holiday pay, up to certain statutory limits. However, there were no employees as at the date of administration.

3.3 Prescribed part – unsecured creditors

In accordance with section 176A of the Insolvency Act 1986, a prescribed part is to be set aside from the floating charge assets and made available to the unsecured creditors of the Company. The prescribed part calculation is applied to the net property available and is calculated at 50% of the first £10,000 of net realisations and 20% of all further amounts, up to a maximum prescribed part of £600,000.

The net property is calculated to be £581,064.50 giving a prescribed part of £119,212.90. After deducting administrators' fees of £3,000 plus VAT for dealing with the agreement and payment of claims, you will note that £115,613 has been paid to the unsecured creditors by virtue of the application of section 176A of the Insolvency Act 1986 (prescribed part).

4 Investigations into the affairs of the Company

4.1 Statutory investigations

We undertook an investigation into the Company's affairs to establish whether there were any potential asset recoveries, or conduct matters that required further investigation, taking into account the public interest, potential recoveries, the funds likely to be available to fund an investigation and the costs involved.

Based on the outcome of our investigations into the affairs of the Company to date, there are no matters identified that need to be reported to the creditors.

5 Fees and costs

5.1 SIP9 disclosures

For information regarding payments, remuneration and expenses to us or our associates, please refer to the respective 'Statement of Insolvency Practice 9 disclosure' at Appendix B to this report, which covers:

- pre-appointment costs
- fee basis
- work done by us and our team during the period
- hourly charge out rates
- disbursements and expenses
- sub-contracted out work
- payments to associates
- relationships requiring disclosure
- information for creditors (rights, fees, committees)

6 Future strategy

6.1 Exit from administration

As there are insufficient funds to make a distribution to unsecured creditors (other than by virtue of the prescribed part), it is intended to exit the administration and move to dissolution.

6.2 Discharge from liability

As there are insufficient funds to make a distribution to creditors other than by virtue of the prescribed part, we have obtained a resolution from the secured creditor for our discharge from liability. This was granted on 1 May 2019.

6.3 Data Protection

Any personal information held by the Company will continue to be processed for the purposes of the administration of the Company and in accordance with the requirements of data protection.

Orchard Care Homes.com Limited - in administration
 Summary of receipts and payments
 from 22 May 2018 to 15 May 2019

Statement of Affairs £	From 22/05/2018 to 21/11/2018 £	From 22/11/2018 to 15/05/2019 £	Total £
Receipts			
Miscellaneous Income	56.00	0.00	56.00
Book Debts	671,902.50	0.00	671,902.50
Cash at Bank	32,529.37	250.00	32,779.37
Debtor Realisations - Assigned	0.00	30,000.00	30,000.00
	704,487.87	30,250.00	734,737.87
Payments			
Chargeholder (1)	460,000.00	1,851.60	461,851.60
Amounts received for other entities	(250.00)	250.00	0.00
Administrators Fees	0.00	103,000.00	103,000.00
Administrators Expenses	0.00	789.77	789.77
VAT irrecoverable	3,422.50	22,782.93	26,205.43
Legal Fees (1)	17,041.35	10,000.00	27,041.35
Storage Costs	0.00	51.37	51.37
Statutory Advertising	71.15	73.55	144.70
Bank Charges	15.00	25.75	40.75
Unsecured Creditors (All)	0.00	115,612.90	115,612.90
	480,300.00	254,437.87	734,737.87
Net Receipts/(Payments)	224,187.87	(224,187.87)	0.00
Made up as follows			
Floating Current Account NIB	224,187.87	(224,187.87)	0.00
	224,187.87	(224,187.87)	0.00

Payments, remuneration and expenses to the joint administrators or their associates

Statement of Insolvency Practice 9 disclosure

This appendix has been prepared in conjunction with the requirements of the Insolvency Act 1986, the Insolvency (England and Wales) Rules 2016 (the Rules) and Statement of Insolvency Practice 9 (SIP9). In summary, it covers:

- pre-appointment costs
- fee basis
- work done by the joint administrators and their team during the period
- hourly charge out rates
- disbursements and expenses
- sub-contracted out work
- payments to associates
- relationships requiring disclosure
- information for creditors (rights, fees, committees)

Pre-appointment costs

Pre-appointment administration costs are fees charged and expenses incurred by administrators or other qualified insolvency practitioners, before the company entered administration but with a view to it doing so. To the extent they remain unpaid when the company enters administration and payment is sought, approval is required from the appropriate body of creditors as to whether they should be paid from the estate.

Neither the administrators, by way of Grant Thornton UK LLP being engaged, or any other qualified insolvency practitioner incurred any pre-appointment costs in relation to the company.

Post-appointment costs

Fee basis of the joint administrators

The joint administrators' statement of proposals dated 13 July 2018 stated that the administrators think that the Company has insufficient property to enable a distribution to be made to unsecured creditors other than by virtue of section 176A(2)(a) of the Insolvency Act 1986 (the "prescribed part" to be carved out of money which would otherwise be payable to the holder of a floating charge).

A consequence of this statement is that rule 18.18(4) of the Insolvency (England and Wales) Rules 2016 provides that the basis of the joint administrators' remuneration shall be fixed, if, as in this case, there is no creditors committee, by (a) the consent of each of the secured creditors; or (b) if the administrator has made or intends to make a distribution to preferential creditors (i) the consent of each of the secured creditors, and (ii) a decision of the preferential creditors in a decision procedure.

Although the unsecured creditors are not involved in fixing the basis of the joint administrators' remuneration, rule 18.16(4) nevertheless requires that where the proposed basis of remuneration is by reference to the time properly given by the joint administrators and their staff in attending to matters arising in the administration, the joint administrators must, prior to the determination of the basis, deliver to the creditors (a) a fees estimate and (b) details of the expenses which will be or are likely to be incurred.

A fees estimate totalling £87,641, being 248 hours at an average rate of £353 per hour, was provided to creditors in our progress report dated 18 December 2018 based on information available at that date.

Since that date, we have incurred additional time costs dealing with matters which were not expected at the date of our initial fee estimate. Accordingly, our fee estimate has been increased to £106,081 being 289 hours at an average rate of £367 per hour is provided in the table below.

This additional time of c£18,000 has been spent in dealing with the sale of intercompany debtor balances which has generated additional realisations of £30,000. This time was principally spent liaising with the offering party along with that party's legal advisers and the administrators' own legal advisers. The additional time impacted only on the recovery to the secured creditor and had no effect on the prescribed part funds available to the unsecured creditors.

There are no preferential creditors in this case and no creditors' committee was appointed, thus on 11 April 2019 the secured creditor agreed that the basis of the joint administrators' remuneration be fixed according to time properly spent by the joint administrators and their staff, capped as follows:

- £100,000 from fixed and floating realisations
- £3,000 from the prescribed part carve out

It was also agreed that the joint administrators and their staff may charge out of pocket expenses at cost, with the exception of mileage which is charged at 45p per mile.

Work done by the joint administrators and their team during the Period

We are required to detail costs of actual work done in the Period, including any expenses incurred in connection with it, as against any fees estimate provided. Our fees estimate was included within our report to creditors dated 18 December 2019. We are also required to provide narrative explanation of the work done. The following tables (narrative followed by numerical) set out this information for the joint administrators' fees incurred together with a numerical fees estimate variance analysis. Reasons for any excess of the fees estimate are included in the 'Fee basis' section above. Details of expenses incurred in connection with work done are provided in the 'Disbursements and expenses' section below.

Area of work	Work done	Why the work was necessary	Financial benefit to creditors	42 hrs	£18,415	£443/hr
Assets						
Debtors	- Liaising with third parties and legal advisers in respect of the sale of two intercompany debtor balances deemed to be irrecoverable. - Liaising with administrators of OCH4 and OCH5 regarding potential realisations from debtor balances	To realise value from book debts.	This work was necessary to help realise financial value for the benefit of the estate and for a distribution to creditors should sufficient funds become available	42 hrs	£18,415	£443/hr
Investigations				0.2 hrs	£36	£180/hr
Debtor/director/senior employees	Collating and reviewing information required to assist with the submission of the Directors Conduct Report	To fulfil statutory requirements.	This work was completed solely for the purpose of complying with statutory requirements and had no direct financial benefit to creditors			
Creditors				15 hrs	£5,236	£345/hr
Secured	- Updates and reports to secured creditor - Payment of final distribution	To fulfil statutory requirements.	This work was necessary to discharge the office holders' duties. As explained under 'Why the work was necessary', although it did not add financial value to the estate it adds value to the insolvency process			
Unsecured	Liaising with unsecured creditors and agreeing claims.	To fulfil statutory requirements.	This work was necessary to discharge the office holders' duties. As explained under 'Why the work was necessary', although it did not add financial value to the estate it adds value to the insolvency process			

Prescribed part	• Calculation of prescribed part • Payment of prescribed part distribution	• To fulfil statutory requirements • This work was necessary to discharge the office holders' duties. As explained under 'Why the work was necessary', although it did not add financial value to the estate it adds value to the insolvency process		50 hrs	£16,948	£340/hr
Administration						
Case management	• Internal case reviews to ensure statutory compliance	• To fulfil statutory requirements	• This work was necessary to discharge the office holders' duties. As explained under 'Why the work was necessary', although it did not add financial value to the estate it adds value to the insolvency process			
Reports, circulars notices & decisions	• Preparation of first progress report • Preparation of final progress report	• To fulfil statutory requirements	• This work was necessary to discharge the office holders' duties. As explained under 'Why the work was necessary', although it did not add financial value to the estate it adds value to the insolvency process			
Treasury, billing & funding	• Processing of receipts and payments • Reconciling bank accounts to cashbook • Liaising with pre-appointment bank regarding various accounts • Ensuring that amounts transferred by third parties in error to the Company's pre-appointment bank account are transferred to the correct and intended beneficiary.	• To manage day to day banking requirements, transactions and to ensure sufficient funding available to support essential administration costs	• This work was necessary to discharge the office holders' duties. As explained under 'Why the work was necessary', although it did not add financial value to the estate it adds value to the insolvency process			
Tax	• Liaising with HMRC regarding tax clearance	• To fulfil statutory requirements	• This work was necessary to discharge the office holders' duties. As explained under 'Why the work was necessary', although it did not add financial value to the estate it adds value to the insolvency process			

Closure - Statutory tasks required to enable the matter to be formally closed - To fulfil statutory requirements - This work was necessary to discharge the office holders' duties. As explained under 'Why the work was necessary', although it did not add financial value to the estate it adds value to the insolvency process	Total fees incurred in the Period
	107 hrs £40,635 £380/hr

Detailed SIP9 time cost analysis for the period and fee estimate variance analysis as at period end

Period from 21/11/2018 to 14/05/2019

Area of work	Partner Hrs	£	Manager Hrs	£	Executive Hrs	£	Administrator Hrs	£	Period total Hrs	£	Cumulative total as at period end Hrs	£	£/hr	Fees estimate Hrs	£	Variance £	£/hr
Realisation of assets:																	
Books & other debts	22.50	10,012.50	-	-	0.30	58.50	-	-	41.83	18,414.75	443.19	28,080.50	416.78	62.80	2,580.50	416.78	-
Hire purchase, leasing agreements & third party	-	-	-	-	-	-	-	-	22.80	10,071.00	441.71	15,482.25	407.16	-	-	-	-
Insurance	-	-	-	-	-	-	-	-	-	-	-	445.00	445.00	-	-	-	-
General	18.75	8,343.75	-	-	-	-	-	-	18.75	8,343.75	445.00	117.00	185.00	-	-	-	-
Investigations:	-	-	-	-	-	-	-	-	0.20	35.00	180.00	19,038.25	437.31	35.70	15,248.75	437.31	-
General	-	-	-	-	-	-	0.20	36.00	0.20	36.00	180.00	8,212.25	387.37	-	-	-	-
Debtor/director/senior employees	-	-	-	-	-	-	-	-	-	-	14.50	7,037.50	485.34	-	-	-	-
Creditors:	-	-	-	-	-	-	-	-	15.20	5,235.75	344.46	22,087.75	372.77	58.70	21,128.50	357.00	359.81
Secured	-	-	-	-	0.60	147.00	-	-	0.60	147.00	245.00	1,987.25	330.12	-	-	-	-
Employees & pensions	-	-	-	-	-	-	-	-	-	-	2.00	666.25	333.13	-	-	-	-
Unsecured	6.00	3,060.00	0.25	85.00	8.35	1,843.75	-	-	14.60	5,088.75	348.54	19,404.25	379.36	-	-	-	-
Administration:	-	-	-	-	-	-	-	-	48.75	18,845.25	340.57	43,498.00	327.16	132.05	43,814.00	-	330.28
Treasury, billing & funding	-	-	0.50	170.00	1.10	198.00	2.40	407.00	4.00	775.00	193.75	7,745.25	233.29	-	-	-	-
Tax	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Pensions	-	-	2.70	1,080.00	0.50	113.75	-	-	3.20	1,193.75	373.05	3,736.50	344.38	-	-	-	-
General	12.25	5,483.75	15.00	5,877.50	14.70	3,510.25	0.60	108.00	42.55	14,979.50	352.04	30,891.75	357.88	289.05	106,080.75	823.25	367.00
Total	59.50	28,900.00	18.45	7,212.50	25.55	5,971.25	3.20	551.00	106.70	40,534.75	290.45	106,904.00	368.06	289.05	106,080.75	823.25	367.00

Notes

- Partner includes partners and directors
- Manager includes associate directors and managers
- Executive includes assistant managers and executives
- Due to enhancements to our SIP9 reporting systems, allocation of time against areas of work may differ to previous periods, however this does not affect overall total time costs
- Adverse variances are presented in brackets
- Total time costs paid to date: £103,000 (excludes VAT)

Hourly charge out rates

Time is charged in units of 6 minutes for each grade of staff used. The hourly charge out rates applied during the Period are as follows

Grade	From 1 October 2017 to current	
	Insolvency £/hr	Pensions & Tax £/hr
Partner	510 - 745	510 - 800
Director	485 - 595	485 - 725
Associate director	445 - 495	445 - 540
Manager	340 – 420	340 - 465
Assistant manager	300 - 350	300 - 340
Executive	245 - 325	260 - 315
Administrator	165 - 240	200 - 235
Treasury	180	
Support	150 - 155	165 - 170

The current charge out rates have applied since 1 October 2017. We reserve the right to amend our charge out rates in the future. Any amendments will be detailed within the next report following such an amendment.

Statement of expenses and disbursements incurred in the Period

This table provides details of expenses and disbursements incurred in the Period in connection with the work done by the joint administrators, description of which is provided in the 'Work done' section above.

Category	Incurred in the Period (£)	Cumulatively incurred as at Period end (£)	Of which paid by the estate as at Period end (£)
Category 1 disbursements			
Insolvency Bonding	-	200	200
Subsistence	-	28	28
Travel Expenses	-	561	561
Category 2 disbursements			
Mileage	-	-	-
Expenses			
Legal Fees: Womble Bond Dickinson (UK) LLP	10,000	27,041	27,041
Storage Costs: Restore plc	51	51	51
Statutory Advertising Gazette Direct	71	145	145
Bank Charges	26	41	41

Disbursements are expenses met by and reimbursed to an office holder in connection with an insolvency appointment and fall into two categories:

Category 1 disbursements

These are also known as 'out of pocket expenses' and are payments to independent third parties where there is specific expenditure directly referable to the insolvent estate; they can be drawn without prior approval and consist of the following categories:

- Travel and subsistence – these costs, which exclude mileage, are incurred by staff in attending trading premises or meetings, for example
- Office costs – these are costs such as postage or courier charges which are incurred in managing the case
- Statutory costs – these are costs such as bonding and advertising relating specifically to the case, which are required by statute

They also include expenses which have been paid using a Grant Thornton Loan, the balance of which (if any) can be seen on the joint administrators' receipts and payment account at Appendix A.

Category 2 disbursements

These are expenses that are directly referable to the insolvent estate but not a payment to an independent third party. They may include shared or allocated costs that may be incurred by an office holder or their firm, and that can be allocated to the appointment on a proper and reasonable basis. Category 2 disbursements require approval in the same manner as an office holder's remuneration.

To the extent that recovery of category 2 disbursements is sought, this will be for mileage only. Accordingly, the following resolution was made by the secured creditor on 11 April 2019:

The Joint Administrators and their staff may charge out of pocket expenses at cost, with the exception of mileage which is charged at 45p per mile.

Mileage is charged at 45p a mile. VAT is added as appropriate. Details of these costs are also provided in the table below.

Sub-contracted out work

We confirm that, in the Period, we have not sub-contracted out any work that could otherwise have been carried out by us or our team.

Payments to associates

Where we have enlisted the services of others we have sought to obtain the best value and service. In the interest of transparency, we disclose below services we have sought from within our firm or from a party with whom (to the best of our knowledge) our firm, or an individual within our firm, has a business or personal relationship:

Service provider	Services enlisted	Cost of service
Grant Thornton UK LLP	Tax work/advice (narrative is included within the above narrative of work done)	Costs are included within the above SIP9 time cost analysis

Relationships requiring disclosure

We confirm that we are not aware of any business or personal relationships with any parties responsible for approving the joint administrators' fee basis, or who provide services to us as joint administrators, which may give rise to a potential conflict.

Information for creditors

Provided below is information to help creditors to understand their rights in insolvency and regarding officeholders' fees, and the roles and functions of committees.

R3 is the trade association for the UK's insolvency, restructuring, advisory and turnaround professionals. Amongst other things, R3 has made available written guidance for stakeholders affected by insolvency, in particular creditors, for some of which the web links are provided below.

Where web links are provided for the information, we will supply this information by post, free of charge on request.

'Office holder' means, for example, the appointed administrator(s), liquidator(s) or trustee(s) in bankruptcy.

R3 creditor guides

- Rights of creditors during an insolvency process guides: <https://www.r3.org.uk/what-we-do/publications/professional/creditors-guides>
- Background information regarding the fees of officeholders: <https://www.r3.org.uk/what-we-do/publications/professional/fees>
- Liquidation/Creditors' committees and commissioners: <https://www.r3.org.uk/media/documents/publications/professional/R3-Guide-to-Creditors-Committees.pdf>

Creditors' and members' rights to request information about remuneration or expenses under r18.9 of the Rules

(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).

Creditors' and members' rights to challenge the office-holder's remuneration and expenses under r18.34 of the Rules

- (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").

C Statutory information

Company Information

Company name	Orchard Care Homes.com Limited
Date of incorporation	29 September 2004
Company registration number	05245993
Former trading address	The Hamlet Hornbeam Park Harrogate North Yorkshire HG2 8RE
Present registered office	4 Hardman Square Spinningfields Manchester M3 3EB

Administration information

Administration appointment	The administration appointment granted in the The High Court of Justice, Business and Property Courts in Bristol, 130 of 2018
Appointor	a qualifying floating charge holder
Date of appointment	22 May 2018
Joint Administrators' names	Sarah O'Toole Daniel R W Smith
Joint Administrators' address(es)	4 Hardman Square, Spinningfields, Manchester, M3 3EB 30 Finsbury Square, London, EC2P 2YU
Purpose of the administration	Realising property in order to make a distribution to one or more secured or preferential creditors
Estimated values of the Net Property and Prescribed Part	The Company's Net Property is estimated to be £581,065 The Prescribed Part is £119,213 with administrators' fees of £3,000 plus VAT to be deducted from this amount.
Functions	In accordance with paragraph 100(2) of Schedule B1 to the Insolvency Act 1986, the functions of the administrators are to be exercised by any or all of them.
Current administration expiry date	21 May 2019

D Notice about this report

This report has been prepared by Sarah O'Toole, the joint administrator of Orchard Care Homes.com Limited – in administration, solely to comply with the joint administrators' statutory duty to report to creditors under the Insolvency (England and Wales) Rules 2016 on the progress of the administration, and for no other purpose. It is not suitable to be relied upon by any other person, or for any other purposes, or in any other context.

This report has not been prepared in contemplation of it being used, and is not suitable to be used, to *inform any investment decision in relation to the debt of or any financial interest in the Company.*

Any estimated outcomes for creditors included in this report are illustrative only and cannot be relied upon as guidance as to the actual outcomes for creditors.

Any persons choosing to rely on this report for any purpose or in any context other than under the Insolvency (England and Wales) Rules 2016 do so at their own risk. To the fullest extent permitted by law, the joint administrators do not assume any liability in respect of this report to any such person.

Sarah O'Toole and Daniel R W Smith are authorised in the UK to act as Insolvency Practitioners by the Insolvency Practitioners Association.

The joint administrators are bound by the Insolvency Code of Ethics.

The joint administrators act as agents for the Company and contract without personal liability. The appointment of the joint administrators are personal to them and to the fullest extent permitted by law, Grant Thornton UK LLP does not assume any responsibility and will not accept any liability to any person in respect of this report or the conduct of the administration.

Please note you should read this progress report in conjunction with the joint administrators' previous progress reports and proposals issued to the Company's creditors, which can be found on the Grant Thornton portal. Unless stated otherwise, all amounts in this progress report and appendices are stated net of VAT. For definitions of abbreviations please refer to the 'Definitions' table at the start of this progress report.



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Notice of administrator's progress report



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	Sian L Barraclough
Company name	Grant Thornton UK LLP
Address	4 Hardman Square
	Spinningfields
Post town	Manchester
County/Region	
Postcode	M 3 3 E B
Country	
DX	
Telephone	0161 953 6900



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- ☐ 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.



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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 or email 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