

# LIQ13

## Notice of final account prior to dissolution in MVL



Companies House

THURSDAY



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A15

12/03/2020

#124

COMPANIES HOUSE

### 1 Company details

Company number 0 7 8 7 9 2 8 8

Company name in full Erudition Schools Trust

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

### 2 Liquidator's name

Full forename(s) Martin FP

Surname Smith

### 3 Liquidator's address

Building name/number 15 Colmore Row

Street Birmingham

Post town B3 2BH

County/Region

Postcode

Country

### 4 Liquidator's name ①

Full forename(s) Nicola J

Surname Meadows

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

### 5 Liquidator's address ②

Building name/number 15 Colmore Row

Street Birmingham

Post town B3 2BH

County/Region

Postcode

Country

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

# LIQ13

## Notice of final account prior to dissolution in MVL

**6**

### Final account

☒ I have delivered the final account of the winding up to the members in accordance with Section 94(2) and attach a copy.

**7**

### Sign and date

Liquidator's signature

Signature

**X****X**

Signature date

d

d

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m

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y

y

y

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0

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2

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# LIQ13

## Notice of final account prior to dissolution in MVL



### 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 **Nurul Alum**

Company name **Dains Business Recovery Limited**

Address  
**15 Colmore Row**  
**Birmingham**

Post town **B3 2BH**

County/Region

Postcode

Country

DX

Telephone **0121 200 7900**



### 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)**

**Erudition Schools Trust  
(In Liquidation)**

**Liquidator's Summary of Receipts and Payments**

<b>RECEIPTS</b>	<b>Delaration of Solvency (£)</b>	<b>From 21/09/2016 To 20/09/2019 (£)</b>	<b>From 21/09/2019 To 10/03/2020 (£)</b>	<b>Total (£)</b>
Personalised Learning @ EST Limited	4,500.00	4,599.10	0.00	4,599 10
PAYE Refund		13,955.66	0.00	13,955.66
VAT Refund	5,593.87	9,178.33	0.00	9,178.33
Cash at Bank	14,331.52	15,102.45	0.00	15,102.45
Bank Interest Gross		12.09	0.00	12.09
		<b>42,847.63</b>	<b>0.00</b>	<b>42,847.63</b>
<b>PAYMENTS</b>				
Specific Bond		48.00	0.00	48 00
Office Holders Fees		14,621.14	0.00	14,621.14
Office Holders Expenses		8.00	0.00	8.00
Accountacy & Tax Fees		3,350.00	0.00	3,350 00
Due to K12	(18,487.37)	18,487.37	0.00	18,487.37
Legal Fees	(1,500.00)	20.00	0.00	20.00
HMRC - Maternity Claim		5,953.88	0.00	5,953.88
Bank Charges		0 14	0.00	0.14
Storage Costs		158 10	0.00	158.10
Statutory Advertising		201 00	0 00	201.00
		<b>42,847.63</b>	<b>0.00</b>	<b>42,847.63</b>
<b>Net Receipts/(Payments)</b>		<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>MADE UP AS FOLLOWS</b>				
Floating Current A/c		0.00	0.00	0.00
		<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

Note:



Martin FP Smith  
Joint Liquidator

**Private and Confidential**

Charlotte House, Stanier Way  
The Wyvern Business Park  
Derby  
DE21 6BF

**telephone** 01332 826799  
**fax** 01332 826800  
**email** recovery@dains.com

Our ref	MT/NA/AH/MFPS/ER017/MVL1511/ 16.01
Telephone contact	Mr Nurul Alum
Date	10 March 2020

Dear Sir or Madam

**Erudition Schools Trust ("the Company") – In Members' Voluntary Liquidation**

Further to my recent letter enclosing a Proposed Final Account, I am now able to conclude the winding up of the affairs of the Company and enclose the Final Account, receipts and payments account and notice to members.

Members should note that once Nicola J Meadows and I have obtained our release, upon filing the final account at Companies House, our case files will be placed into storage.

Dains Business Recovery Limited uses personal information in order to fulfil the legal obligations of our Insolvency Practitioners under the Insolvency Act and other relevant legislation, and also to fulfil the legitimate interests of keeping creditors and others informed about the insolvency proceedings. You can find more information on how Dains Business Recovery Limited uses your personal information on our website at [www.dains.com/privacy](http://www.dains.com/privacy).

If you have any queries regarding the conduct of the Liquidation, you should contact Mr Nurul Alum by email at [nalum@dains.com](mailto:nalum@dains.com), or by phone on 0121 200 7900 before my release.

Yours faithfully  
**for Erudition Schools Trust**



**Martin FP Smith**  
**Joint Liquidator**

[nalum@dains.com](mailto:nalum@dains.com)

**Notice to accompany Final Account**

**ERUDITION SCHOOLS TRUST ("the Company") - In Members' Voluntary Liquidation**

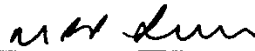
**formerly known as Erudition Schools Limited**

**(Company Number 07879288)**

**NOTICE IS GIVEN** to the members of the above-named Company by Martin FP Smith and Nicola J Meadows under rule 5.10 of The Insolvency (England and Wales) Rules 2016 that:

- 1 the Company's affairs have been fully wound up;
- 2 the Joint Liquidators' having delivered copies of the final account to the members must, within 14 days of the date on which the final account is made up, deliver a copy of the account to the Registrar of Companies;
- 3 the Joint Liquidators' will vacate office under section 171(6) of The Insolvency Act 1986, and be released under section 173(2)(d) on delivery of the final account to the Registrar of Companies.

Members requiring further information regarding the above, should either contact me at 15 Colmore Row, Birmingham, B3 2BH, or contact Mr Nurul Alum by telephone on 0121 200 7900, or by email at [nalum@dains.com](mailto:nalum@dains.com).

Signed   
Martin FP Smith, Liquidator

Dated 10/3/20

**Erudition Schools Trust – In Members' Voluntary Liquidation  
Formerly Erudition Schools Limited**

**LIQUIDATORS' FINAL ACCOUNT TO MEMBERS TO 10 MARCH 2020**

**1. EXECUTIVE SUMMARY**

My duties and functions as Liquidator are the realisation of the Company's assets, the agreement of the claims of creditors, and the eventual distribution of the Liquidation funds between the creditors and members in accordance with their legal entitlements. All realisations and distributions have been completed in respect of the liquidation and I am now seeking to close my administration.

**2. STATUTORY INFORMATION**

Company name:	Erudition Schools Trust
Company number:	07879288
Registered office:	15 Colmore Row, Birmingham, B3 2BH
Former registered office:	Erudition Schools Trust, Coventry University Technology Park, Puma Way, Coventry, CV1 2TT
Former trading address:	Erudition Schools Trust, Coventry University Technology Park, Puma Way, Coventry, CV1 2TT
Principal trading activity:	General Secondary Education
Joint Liquidators' names:	Martin FP Smith and Nicola J Meadows
Joint Liquidators' address:	15 Colmore Row, Birmingham, B3 2BH
Joint Liquidators' date of appointment:	21 September 2016
Actions of Joint Liquidators':	Any act required or authorised under any enactment to be done by a Liquidator may be done by either or both of the Liquidators acting jointly or alone.

**3. LIQUIDATOR'S ACTIONS SINCE APPOINTMENT**

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 A.

- A resolution to wind up the company, passed by the members of the company on 21 September 2016, was sent to Companies House on 23 September 2016, together with a Declaration of Solvency and a notice of my appointment.

Continued...

- Notice of change in registered office was sent to Companies House, changing the registered office to 15 Colmore Row, Birmingham, B3 2BH on 23 September 2016.
- My appointment as Liquidator was advertised in the London Gazette on 27 September 2016.
- The specific penalty bond was applied to the case within the first month following my appointment this has been regularly reviewed to ensure that the level of cover was adequate to protect the realisations made in the liquidation.
- I have realised all of the Company assets in line with those specified on the Statutory Declaration of Solvency as shown on the attached receipts and payments account.
- Contact was made with K12, who were the only creditor of the Company in respect of their outstanding claim in the amount of £18,487.37. Due to the unforeseen maternity claim the amount that was due to K12 in settlement of the outstanding balance was less than the full amount outstanding. K12 agreed to waive any amount outstanding over and above the amount they received back against their liability. A settlement of £18,487.37 was paid to K12 on 18 March 2019 for a full and final settlement of the amount outstanding.
- During the course of my administration I was made aware from HM Revenue and Customs ('HMRC') of a claim for unpaid maternity pay due to an ex-employee of the Company, in the amount of £5,953.88. Following lengthy correspondence with both HMRC and the Company, it was agreed that the amount be settled in full.
- A refund in the amount of £13,955.66, has been received from HMRC in respect of overpaid PAYE for periods preceding the liquidation. It was unclear from initial enquiries whether this was due to the Erudition Schools Trust or another associated Trust. Enquiries were made with the local authority payroll controller for confirmation of where the refund was due.
- A liquidation estate bank account was opened with Bank of Scotland and reconciled periodically, with bank interest being received.
- All company corporation tax returns for the period in liquidation have been submitted to HM Revenue & Customs ('HMRC') in a timely manner.
- Periodic case reviews including the review of the specific penalty bond have been undertaken.
- Closure clearance was sought from HMRC.
- Proposed Final Account was issued to the Members.

#### 4. RECEIPTS AND PAYMENTS ACCOUNT

My Receipts & Payments Account for the period from 21 September 2019 to 10 March 2020 and cumulative to 10 March 2020 is attached at Appendix B. All figures are shown net of VAT.

The balance of funds on account are held in an interest bearing liquidation estate bank account. An has been sent to the bank to clear the minimal balance on account, prior to closure of the account.

Continued...



## **5. ASSETS**

### **5.1 Personalised Learning @ EST Limited ('PLL')**

This figure represents the distributions received from PLL to the Company in its capacity as sole shareholder. The distribution represented £3,740 per share and was declared on 17 February 2017.

### **5.2 PAYE Refund**

A PAYE Refund of £13,955.66 has been received into the liquidation.

### **5.3 VAT Refund**

A VAT Refund of £9,718.33 has been received into the liquidation.

### **5.4 Cash at Bank**

The sum totalling £15,102.45 was received, representing the balance held in the Company account as at the date of the liquidation and subsequently transferred into the designated liquidation estate bank account.

### **5.5 Bank Interest Gross**

Company funds were held in an interest bearing bank account and earned gross interest of £12.09 to date. No further interest will be anticipated following closure of the liquidation estate bank account.

## **6. LIABILITIES**

### **6.1 Secured Creditors**

There are no secured Creditors in this matter.

### **6.2 Preferential Creditors**

There are no preferential creditors in this matter.

### **6.3 Crown Creditors**

There are no known crown creditors in this matter.

### **6.4 Non-preferential unsecured Creditors**

The Declaration of Solvency included one non-preferential unsecured creditors with an estimated total liability of £18,487.37, being K12. This liability has been settled in full, any balance outstanding to K12 over and above what the Company is able to distribute has been written off.

### **6.5 Share Capital**

No dividends were paid to members.

Continued...

## 7. LIQUIDATORS' REMUNERATION

My remuneration was previously authorised by Members at a meeting held on 21 September 2017 on a fixed fee basis of £4,000 plus VAT.

To date, I have drawn a total of £14,621.14. The additional remuneration was authorised by Members on 1 February 2019 for the work undertaken in respect of the third-party maternity claim and the realisation of the tax refund.

A copy of 'A Creditors' Guide to Liquidators' Fees' published by the Association of Business Recovery Professionals and 'A Statement of Insolvency Practice 9 (Revised)' are available from my office upon request. Alternatively a copy can be downloaded from <http://www.icaew.com/en/technical/insolvency/creditors-guides> and <https://www.r3.org.uk/what-we-do/publications/professional/fees>.

Please note that there are different versions of the Guidance Notes and in this case, you should refer to the October 2015 version. A hard copy of the documents can be obtained on request from this office.

Additional information in relation to Joint Liquidator's fees in accordance with SIP 9 is also attached. This provides details of the firm's policy in relation to staffing, the use of sub-contractors and disbursements. Please note, in common with all professional firms, the charge out rates may increase from time to time over the period of the administration of each insolvency case.

## 8. LIQUIDATOR'S EXPENSES

I have incurred expenses to 10 March 2020 of £9,738.98: -

Type of expense	Amount paid
Specific Bond	£48.00
Office Holders Expenses	£8.00
Legal Fees	£20.00
HMRC – Maternity Claim	£5,953.88
Storage Costs	£158.10
Statutory Advertising	£201.00

Dains Business Recovery Limited has incurred £24.15 in respect of storage costs that have not been claimed in the liquidation:

I have used the following professional advisors since my appointment as Liquidator: -

Professional Advisor	Nature of Work	Basis of Fees
Dains LLP	Accountancy and Tax work	£3,350+VAT

The choice of professionals was based on my perception of their experience and ability to perform this type of work and the complexity and nature of the assignment. I also considered that the basis on which they will charge their fees represented value for money. I have reviewed the charges they have made and am satisfied that they are reasonable in the circumstances of this case.

Continued...

**9. SUMMARY**

The winding up of the Company is now for all practical purposes complete and I intend to deliver the final account by the date shown in the accompanying notice.

If you have any queries regarding the conduct of the Liquidation or you would like a hard copy of any of the documents made available on-line, you should contact Mr Nurul Alum on 0121 200 7900, or by email at [nalum@dains.com](mailto:nalum@dains.com).



**Martin FP Smith**  
**Joint Liquidator**

## Appendix A

### 1. 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. It does not give direct financial benefit to the members, 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 and 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.
- Convening and holding a general meeting of Members (as applicable).
- 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 bank 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 Members.
- Filing returns at Companies House.
- Preparing and filing VAT returns.
- Preparing and filing Corporation Tax returns.
- Liaising with HMRC in respect of PAYE refunds.
- Seeking closure clearance from HMRC and other relevant parties.
- Preparing, reviewing and issuing a Proposed Final Account of the liquidation to the members.
- Issuing the final account to the members.
- Filing the final account at Companies House.

### 2. Creditors

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. 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.

- Dealing with creditor correspondence, emails and telephone conversations regarding their claims, if any.
- Liaising with ex-employees & HMRC regarding the settlement of the outstanding maternity claim.
- Agreeing settlement and distribution to K12, in respect of their claim. Following which, the balance was written-off.
- Liaising with HMRC with regards to closure clearance.

**Erudition Schools Trust  
(In Liquidation)**

**Liquidator's Summary of Receipts and Payments**

RECEIPTS	Declaration of Solvency (£)	From 21/09/2016 To 20/09/2019 (£)	From 21/09/2019 To 10/03/2020 (£)	Total (£)
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Specific Bond		48.00	0.00	48.00
Office Holders Fees		14,621.14	0.00	14,621.14
Office Holders Expenses		8.00	0.00	8.00
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Due to K12	(18,487.37)	18,487.37	0.00	18,487.37
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Bank Charges		0.14	0.00	0.14
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<b>MADE UP AS FOLLOWS</b>				
Floating Current A/c		0.00	0.00	0.00
		<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

Note:

*MFP Smith*

Martin FP Smith  
Joint Liquidator

## Practice Fee Recovery Policy for Dains Business Recovery 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 <https://www.r3.org.uk/what-we-do/publications/professional/fees>. Alternatively a hard copy may be requested from Dains Business Recovery Limited, 15 Colmore Row, Birmingham, B3 2BH. 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 charge out 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

Grade of staff	Current charge-out rate per hour, effective from 1 April 2014 £
Partner – appointment taker	405
Director	365
Senior Manager	330
Manager	245
Supervisor	225
Case Administrator	210
Cashier & Support Staff	80 - 195

Continued. .

Where necessary and appropriate, members of staff from other departments of the practice will undertake work on a case. They will be charged at their normal charge out rate for undertaking such work.

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

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
- Employee 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 we now only seek time costs for the following categories:*

- Case specific matters
- Investigations
- Trading

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

Continued...

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.

Continued...



### **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 Dains Business Recovery Limited, 15 Colmore Row, Birmingham, B3 2BH, 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:

Mileage is charged at a rate of up to 45p per mile  
External disbursements are recovered at cost

## **PROVISION OF SERVICES REGULATIONS SUMMARY SHEET FOR DAINS BUSINESS RECOVERY LIMITED**

The following information is designed to draw the attention of interested parties to the information required to be disclosed by the Provision of Services Regulations 2009.

### **Trading Name**

Dains Business Recovery Limited – Registered Company number 10115314 (also trading as "DBRL"). Registered office at St. Johns Court, Wiltell Road, Lichfield, Staffordshire, WS14 9DS. Registered in England and Wales.

### **Licensing Body**

Martin Frederick Peter Smith and Nicola Joanne Meadows are licensed to act as Insolvency Practitioners in the United Kingdom by the Institute of Chartered Accountants in England and Wales ("ICAEW").

Martin FP Smith is a fellow of the ICAEW ("FCA") and fellow of Association of Business Recovery Professionals ("FABRP").

Nicola J Meadows is an affiliate of the ICAEW, a fellow of Association of Certified Chartered Accountants ("FCCA") and a fellow of Association of Business Recovery Professionals ("FABRP").

### **Rules Governing Actions**

All IPs are bound by the rules of their professional body, including any that relate specifically to insolvency. The rules of the professional body that licences Martin FP Smith and Nicola J Meadows can be found at <http://www.icaew.com/en/members/regulations-standards-and-guidance/insolvency/insolvency-regulations-and-guidance>. In addition, IPs are bound by the Statements of Insolvency Practice (SIPs), details of which can be found at <https://www.r3.org.uk/what-we-do/publications/professional/statements-of-insolvency-practice>.

### **Ethics**

All IPs are required to comply with the Insolvency Code of Ethics and a copy of the Code can be found at which the Code of Ethics can be found at <http://www.icaew.com/en/technical/insolvency/insolvency-regulations-and-standards>.

### **Data Protection Act and Copyright**

Dains Business Recovery Limited uses personal information in order to fulfil the legal obligations of our Insolvency Practitioners under the Insolvency Act and other relevant legislation, and also to fulfil the legitimate interests of keeping creditors and others informed about the insolvency proceedings. You can find more information on how Dains Business Recovery Limited uses your personal information on our website at [www.dains.com/privacy](http://www.dains.com/privacy).

### **Bribery Act 2010**

Dains Business Recovery Limited is committed to applying the highest standards of ethical conduct and integrity in its business activities. Every employee and individual acting on Dains Business Recovery Limited's behalf is responsible for maintaining our reputation and for conducting company business honestly and professionally.

Dains Business Recovery Limited take a zero-tolerance approach to bribery and corruption and are committed to acting professionally, fairly and with integrity in all our business dealings and relationships wherever we operate.

Continued...

Dains Business Recovery Limited requires all those who are associated with it to observe the highest standards of impartiality, integrity and objectivity.

Dains Business Recovery Limited prohibits anyone acting on its behalf from:

- bribing another person. A bribe includes the offering, promising or giving of any financial or other type of advantage;
- *accepting a bribe. This includes requesting, agreeing to receive or accepting any financial, or another kind of advantage;*
- bribing a foreign public official; and
- condoning the offering or acceptance of bribes.

Dains Business Recovery Limited will:

- avoid doing business with others who do not accept our values and who may harm our reputation;
- maintain processes, procedures and records that limit the risk of direct or indirect bribery;
- promote awareness of this policy amongst its staff, those acting on its behalf and entities with which it has any commercial dealings;
- investigate all instances of alleged bribery, and will assist the police, and other authorities when appropriate, in any resultant prosecutions. In addition, disciplinary action will be considered against individual members of staff,
- review this policy regularly and update it when necessary.

## Complaints

At Dains Business Recovery Limited we always strive to provide a professional and efficient service. However, we recognise that it is in the nature of insolvency proceedings for disputes to arise from time to time. As such, should you have any comments or complaints regarding the administration of a particular case then in the first instance you should contact the IP acting as office holder.

*If you consider that the IP has not dealt with your comments or complaint appropriately you should then put details of your concerns in writing to our complaints officer, MFP Smith, Dains Business Recovery Limited, 15 Colmore Row, Birmingham, B3 2BH. This will then formally invoke our complaints procedure and we will endeavour to deal with your complaint under the supervision of a senior partner unconnected with the appointment.*

Most disputes can be resolved amicably either through the provision of further information or following negotiations. However, in the event that you have exhausted our complaints procedure and you are not satisfied that your complaint has been resolved or dealt with appropriately, you may complain to the regulatory body that licences the insolvency practitioner concerned. Any such complaints should be addressed to The Insolvency Service, IP Complaints, 3rd Floor, 1 City Walk, Leeds, LS11 9DA, and you can make a submission using an on-line form available at [www.gov.uk/complain-about-insolvency-practitioner](http://www.gov.uk/complain-about-insolvency-practitioner); or you can email [insolvency.enquiryline@insolvency.gov.uk](mailto:insolvency.enquiryline@insolvency.gov.uk); or you may phone 0300 678 0015 - calls are charged at up to 10p per minute from a land line, or for mobiles, between 3p and 55p per minute if you're calling from the UK.

## Professional Indemnity Insurance

Dains Business Recovery Limited's Professional Indemnity Insurance is provided by CNA Insurance. This professional indemnity insurance provides worldwide coverage, [excluding professional business carried out from an office in the United States of America or Canada, and any action for a claim brought in any court in the United States of America or Canada].

## VAT

Dains Business Recovery Limited is registered for VAT under registration no 241 1416 53.