



The Insolvency
Service

Compliance and Targeting Team
The Insolvency Service
Investigation and Enforcement
3rd Floor
Cannon House
18 Priory Queensway
Birmingham
B4 6FD

www.gov.uk/insolvency-service

Mr R Dixon

By email: rdltd1001@aol.com

Your ref:

Our ref: NCL5523081

e-mail: mark.danks@insolvency.gov.uk

Date: 5 July 2021

Dear Mr Dixon

Insolvency Service - Tier 1 complaint

Thank you for your email of 14 June advising us of your dissatisfaction with the service we have provided and giving details of your complaint about the Insolvency Service.

I refer to my colleague Helen Main's email to you of 17 June and would confirm that your email of 14 June was passed to me to respond to as a 'Tier 1' complaint, because I am the manager of Mr Ashford. This is in line with the Insolvency Service's published complaints process.

As stated by Helen Main in her email of 17 June, your complaint is about the conduct of Mr Ashford and his oversight of your complaint about the conduct of the directors of Amicus Finance PLC, which went into administration on 20 December 2018 when insolvency practitioners from Begbies Traynor were appointed as administrators.

I have reviewed Mr Ashford's handling of your complaint about Amicus Finance PLC and I am satisfied that throughout his correspondence with you on this matter, his conduct has been professional and impartial, and he has followed our internal processes and guidance with regards to my team's role in deciding whether or not to target an insolvent company for investigation.

I note that Mr Ashford explained in his email of 11 June that the Insolvency Service is required to act in the public interest when determining if it is appropriate to commit resources to an investigation. My team has to apply a public interest test when making investigation targeting decisions, which includes effectively applying the public purse to ensure that our limited resources which are funded by taxpayers, are used in the most effective way. Our process requires an assessment of the evidence which is available or likely to become available as a result of the investigation and whether that justifies

committing resources to an investigation and if there is a reasonable prospect of a disqualification as a positive outcome.

I note that Mr Ashford drew your attention to our formal complaints process on several occasions when he informed you by email that we would not be commencing an investigation into this matter, but that you continued to respond and repeat allegations of misconduct, which he responded to in detail and it was not until 14 June that you decided to submit a formal complaint about Mr Ashford's conduct.

Having reviewed the emails in this matter whilst it is clear that you are not happy with how Mr Ashford has handled this; your complaint is really about his operational decision not to commence an investigation.

I would draw your attention to the Insolvency Service complaints procedure (link below) which states that the complaints process cannot be used to re-examine a case related decision unless there is evidence that we have not followed the correct processes, policies or legislation. My review of your complaint has found no evidence that the correct processes, policy and legislative requirements have not been followed

In the circumstances I have decided to not uphold your complaint.

This concludes Tier 1 of the Insolvency Service's complaints procedure.

A copy of our complaints procedure can be found at
<https://www.gov.uk/government/publications/complaints-procedure>

If you remain dissatisfied with the outcome of your complaint you can ask for the matter to be reviewed at Tier 2. You have three months from the date of this letter to do so. You can request a review by sending details of your complaint to insolvency.complaints@insolvency.gov.uk, however as set out in our complaints procedure, where we think that the complaint is about an operational decision and we have followed our processes and policies we may not progress your complaint any further.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'M Danks', is positioned above the printed name and title.

Mark Danks
Head of Compliance & Targeting