

IVA STANDING COMMITTEE

Draft minutes of 28th Meeting: 16th July 2015

1. Welcome from Chair David Kerr (IPA)

Apologise from: Liz Pywowarczuk, Graham Rumney, Emma Hobson, Lorraine Charlton and Melanie Taylor

2. Review of last meeting's minutes and any outstanding matters

(a) 'In-debt dealing with customer's booklet'

AP3 17th July 2014: – INSS to contact FCA/ MAS re: consistency in wording of guidance

(b) Delays in completing IVAs (pensions)

Case re: Horton v Henry 2014 subject to appeal (expected January 2016). RPBs considering guidance but may not issue it until after appeal outcome.

(c) INSS/ HMRC meeting on voting scheduled for September.

(d) Standard reporting templates

Standard reporting template will be circulated shortly alongside FCA paper. Minor amendments, e.g. venerable debtors, as prescriptive list would not cover all scenarios.

AP1: Michael Peacock and Martin Prigent will circulate template to Committee for comment within in 2 weeks. Issue August 2015.

Sub Committee on creditor voting & Protocol:

Councils: Concerns around inconsistent voting policies, some Councils taking a blanket approach to reject IVA proposals and different policies during course of year depending on levels of debt.

AP2: Committee members to provide evidence to INSS. INSS to raise with DCLG with a view to issue of advice/ guidance to local councils.

Creditor voting agency inconsistencies: Guidance on what is and isn't acceptable might be required, especially in relation to equity. DMPs are migrating to IVAs where debtors' circumstances have not materially changed.

AP3: Creditor meeting to be set up – HMRC is happy to be involved.

Debt purchaser (sale of debt): Protocol needs updating in this area.

AP4: BBA/CSA to send a reminder (Ellie Mckinnon will draft)

FCA authorised lenders: Some FCA authorised lenders are rejecting proposals as a matter of policy. FCA has so far declined to participate in/ engage Committee on basis that IVAs outside its remit.

AP5: Letter from INSS to FCA setting out Committee's concerns

British Gas: Continuing collection activities after IVA agreed.

AP6: Committee members to provide evidence to INSS which will raise with British Gas/ Ofgem.

Bank Accounts: BBA agreement between HMT and top 9 bank account providers that, as of December 2015, they will have to provide bank account accounts to debtors in formal personal insolvency proceedings. .

3. Protocol updates and revisions

Jackie Westerman provided an update on possible changes/amendments – aiming to issue revisions by January 2016. New sub-committee membership – Jackie Westerman, David Mond, Michael Peacock, Martin Prigent, John Fairhurst, Ian Fiddeman, Meg Van Rooyen and Antoinette Eaton.

AP7: Draft revisions to be presented at November's meeting

Other changes for consideration (DM)

–Set-off (clause 17.6) DM view was that Banks should not set off PPI redress, clause is currently ambiguous.

AP8: Bodies, especially BBA, to seek legal advice on any amendments.

Late Claims – There is already a provision in place to capture late claims and dividend payments (17.3). DM raised whether there should be a new time limit. The time limit is 4 months or the first dividend payment whichever is the later. No need for amendment.

Lead Generators – Risk of IPs breaching FCA approval rules. It was suggested that most IVA firms would expect the lead generator to be FCA regulated. DK suggested that any potential breaches by IPs should be referred to relevant RPB via Complaints Gateway.

Creditfix variation – enhanced supervisory fee. Committee agreed this was not within its remit.

4. FCA themed review on debt advice: Assessing customer financial positions should be consistent across the profession.

AP9: FCA findings to be considered by Protocol update subcommittee

5. PPI Guidance: Guidance is currently up for revision in view of suggestions from INSS and case of Green v Wright. No set timeframe on issuing revised guidance as Green v Wright is subject to appeal.

AP10: Any suggested amendments to guidance to be notified to DK/INSS.

6. AOB

DM asked if the next meeting date (19 November) could be changed.

AP 11: GM to circulate an email with possible dates and arrange suitable date. ICAEW may be able to host - now agreed as 26th November 2015 as per invitation