

ANNUAL REPORT BY THE INDEPENDENT ADJUDICATORS TO COMPANIES HOUSE

1st April 2017 - 31st March 2018

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1. INTRODUCTION

- 1.1 Companies House has three Independent Adjudicators: Dame Elizabeth Neville, Mr Leslie Cuthbert and Mrs Jessica Pacey. Our principal role is to deal with appeals against late filing penalties imposed on companies and limited liability partnerships which have filed their accounts after the filing deadline, if they wish to pursue their appeal having passed through the first two stages of the appeals process which are internal to Companies House. If an appeal is not upheld by an Independent Adjudicator, the appellant may appeal to the Registrar who is the final arbiter in the appeals process.
- 1.2 The Independent Adjudicators also consider complaints made against Companies House. Again, there are two internal stages for consideration of a complaint. If the complainant is dissatisfied with the outcome of the internal consideration of the complaint, he or she may ask for the matter to be referred to an Independent Adjudicator. A complainant who remains dissatisfied after consideration of their case by an Independent Adjudicator may approach a Member of Parliament and ask for the matter to be referred to the Parliamentary and Health Service Ombudsman.
- 1.3 As our title indicates, we are entirely independent of Companies House. We each have our own professional lives and what we have in common is the fact that we are appointed to consider appeals and complaints toward the end of the process. A brief outline of our professional profiles may be found on the Companies House website by following this link: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/392904/Independent_adjudicators.pdf Our cases, whether appeals against late filing penalties or complaints, are allocated by rotation to ensure their random distribution. We do not give out our personal postal or email addresses. We use the Companies House address for postal communications which are forwarded to us and we each have a Companies House email address.
- 1.4 Our recommendations are summarised in Appendix A. Some have already been implemented and action has been initiated for others.

2. APPEALS

NUMBERS OF CASES AND TYPES OF COMPANY

- 2.1 Companies House imposed 202,889 late filing penalties between 1st April 2017 and 31st March 2018. Appeals were made in 33,328 cases, of which 267 were considered by the Independent Adjudicators, the lowest number since 2008 and 0.8% of the appeals received. (See Table 1.) We have noticed an improvement in the Companies House decision making processes for appeals which we consider has resulted, at least in part, in the reduction in the number of appeals referred to us. We upheld or partially upheld nine (3.4%) appeals, the same number as last year.

TABLE 1 NUMBERS OF APPEALS CONSIDERED BY INDEPENDENT ADJUDICATORS

| | 2008-9 | 2009-10 | 2010-11 | 2011-12 | 2012-13 | 2013-14 | 2014-15 | 2015-16 | 2016-17 | 2017-18 |
|--------------|--------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| TOTAL | 105 | 325 | 467 | 583 | 466 | 391 | 305 | 306 | 329 | 267 |

- 2.2 We have been concerned for a number of years about the disproportionate number of appeals which we receive from dormant companies and from newly incorporated companies. Some companies fall into both categories, as newly incorporated companies are frequently also dormant. Companies House shares our concern and is keen to improve compliance for both categories.
- 2.3 16.9% of all accounts filed in 2017-18 were from dormant companies. A sampling exercise by Companies House indicated that 36.6% of appeals were from dormant companies. 102 (38.3% of the appeals which the Independent Adjudicators considered were from companies which were either dormant or not trading. Although Companies House does not hold its data in such a way that this can be verified, the indications are that dormant companies are more likely to file late than other companies.
- 2.4 We observed last year:
 'In spite of clear communications from Companies House to the contrary, directors may not realise that they must file accounts even if the company is not trading or they struggle to file the very simple accounts required of them due to a lack of expertise. The companies frequently have no funds with which to pay the penalty and the directors fail to see why the failure to file accounts of a company which is not trading is important. It does matter because Companies House maintains a register of all companies which must be kept up to date. The Registrar has no way of knowing if a company is dormant or trading until the accounts are filed.'
- 2.5 We have asked Companies House to consider what, if anything might be done either to improve compliance by dormant companies. The requirement for a company to file accounts even if it is not trading appears in the second paragraph of the reminder letter sent by post, with the title in bold '**Must the company deliver accounts this year?**'. Where a reminder is sent by email, there is no explanation that the company must file accounts even if it has not traded. Companies House is encouraging companies to sign up to receive reminders by email rather than through the post. **We recommend that Companies House reviews how to achieve improved compliance by dormant companies and in particular for the email reminder to make the requirement for non-trading companies to file accounts clear.** Companies House is in agreement and will start the process to review the wording of the eReminder to make it consistent with the paper version.
- 2.6 The Companies House sampling exercise showed that 31.8% of appeals were from companies filing first accounts. Of those companies, 42.3% were dormant. 63 appeals by new companies were referred to us, which was 23.6% of the appeals which we considered, a similar percentage to last year.
- 2.7 Since 1st October 2013 Companies House has been sending first-time directors of newly incorporated companies, and also all first-time directors appointed to existing companies, a 'First Directors letter' to improve their understanding of their responsibilities, including the need to file accounts by the filing deadline. Since October 2015 Companies House has been sending letters to all newly appointed directors, whether they have previously been directors or not (the New Director Letter), with the intention of improving compliance. The filing deadlines for the first accounts for new companies started from June 2017 i.e. the last nine months of our reporting year. The effect on compliance, if any, has not been dramatic.

2.8 Following a recommendation by the Independent Adjudicators, a new version of the New Director Letter with improved wording was issued from 30th June 2016. It is disappointing that so many directors of new companies fail to appreciate what is required of them and the consequences of late filing, in spite of the advice from Companies House on what they need to do. Any effect of the revised letter commenced from 1st April 2018, when the first of the new companies will reach the filing deadline for their first accounts, so it is too early to tell if it has made a difference. An improvement in compliance by dormant companies would produce some improvement in compliance by companies filing their first accounts.

REFERRALS TO THE REGISTRAR

2.9 The fourth and final stage of the appeals process is an appeal to the Registrar. 32.2% (86) of the appeals considered by the Independent Adjudicators were referred to the Registrar, an increase both in numeric and percentage terms over last year (see Table 2 below). We do not know if the rise is significant and, if it is, to what it should be attributed.

TABLE 2 REFERRALS TO THE REGISTRAR

| | Number of Cases Escalated to Registrar | % of Total Cases Dealt with by Adjudicators |
|---------|--|---|
| 2007/8 | 22 | 37 |
| 2008/9 | 27 | 23 |
| 2009/10 | 68 | 20 |
| 2010/11 | 109 | 22 |
| 2011/12 | 120 | 21 |
| 2012/13 | 112 | 24 |
| 2013/14 | 85 | 21 |
| 2014/15 | 68 | 22 |
| 2015/16 | 62 | 20 |
| 2016/17 | 64 | 16 |
| 2017/18 | 86 | 32 |

2.10 The Registrar upheld two appeals which had been rejected by the Adjudicators. In one case, the appellant, who was the sole director, suffered from ongoing mental health problems. The company bookkeeper, who was also a close personal friend of the director, fell ill and died soon after the deadline. The director provided further information to the Registrar disclosing that there had been a sudden decline in the book keeper's health shortly before the deadline and the impact of her illness on his mental health.

2.11 One of the Adjudicators had rejected an appeal on the grounds that the appellant had been unaware that the Companies House systems would be down over the weekend of the filing deadline for planned maintenance. The information had appeared on the Companies House Website, but the appellant had not looked at the website before attempting to file the accounts. The Registrar agreed that the penalty should not be collected and waived the penalties for other similarly affected companies.

UPHELD APPEALS

2.12 During the year 2017/18, the Independent Adjudicators upheld or partially upheld nine appeals, the same number as the previous year.

Exceptional Circumstances Three Appeals Upheld

- 2.13 As in previous years, the greatest number of appeals to Adjudicators (101 or 37.8%) was wholly, or in part, on the grounds of exceptional circumstances, the majority being that the sole director was suffering from a serious illness. We upheld one appeal on health grounds and two on the grounds of other exceptional circumstances.
- 2.14 Companies House takes the view that if a sole director has a long-term illness, he or she has an opportunity to make arrangements in the nine months between the year end and the filing deadline to ensure that the accounts are filed on time. Appeals are only allowed where an unexpected health problem or injury occurs close to the deadline and, as a result, the accounts are not filed on time and it would not have been practicable for an application to be made for an extension to the filing deadline.
- 2.15 Both we and Companies House observed an increasing number of appeals on the grounds of ongoing mental illness. Appellants argue that mental illness differs from physical illness in that its onset is generally gradual and the sufferer may not realize that they are ill for some time.
- 2.16 One appeal relating to the ill health of a director was upheld. It related to a sole director who suffers from chronic mental health problems, but her illness became acute shortly before the filing deadline. This was precipitated by her becoming homeless which she had not anticipated. The Adjudicator took the view that whilst the chronic ill health could not be accepted as a reason for not collecting a penalty, the exacerbation due to an unexpected event could be accepted as a reason for the late filing of the accounts.
- 2.17 The Adjudicator upheld a second appeal which related to a company with two directors and the ill health of parents and parents-in-law of both directors. Whilst some of the parents' health problems had been ongoing, they became acute immediately before the filing deadline and it was accepted that filing the accounts would not have been possible due to the extended caring commitments of both directors.
- 2.18 In the third case, the appeal was against the filing penalties imposed on a sports club for the late filing of the accounts for three successive years. New directors had replaced the previous board which failed to hand over financial information in a timely manner and the new directors had acted diligently to file the accounts as soon as they could. The penalty for the late filing of the company's 2015 accounts was upheld, as the former directors were responsible for this. The appeal was allowed for the penalties for the subsequent two years, as the new directors had been faced with exceptional circumstances.

Companies House Contributed to the Delay in Filing Two Appeals Upheld

- 2.19 The second most common ground for appeal is that Companies House contributed in some way to the late filing of the accounts (63 or 23.6% of the appeals referred to us). We upheld two such appeals.
- 2.20 The first was a case where a company wanted to file replacement accounts for which a court order to remove the previous accounts was required. Companies House had made it clear that the replacement accounts needed to be filed at the same time as the court order in order to ensure that a set of accounts appeared on the company's record at all times, but the accounts were not

provided with the court order to remove the previous set of accounts. Consequently, there was an interval during which the company was in default. The covering letter from the solicitors accompanying the court order asked if Companies House was in receipt of the replacement accounts but Companies House did not respond and immediately went ahead and removed the previous accounts, thus placing the company in default. Whilst the need to act expeditiously on receipt of a court order is understood, the Adjudicator thought it was overly bureaucratic to act on the order without telephoning the solicitors and giving them the chance to put matters right first. The Adjudicator recommended that the penalty should not be collected.

- 2.21 In the second case, Companies House gave the wrong advice to a caller about how much a penalty would be if the accounts were more than a month late but not more than three months late. The company was a PLC and the penalty would be £1500 but the caller was told it would be £375, the amount for a private company. The Adjudicator recommended that the lesser penalty of £375 should be collected.

WebFiling One Appeal Upheld

- 2.22 The third most common ground for appeals to the Adjudicators (52 or 19.5%) is users experiencing a problem with WebFiling or the HMRC/Companies House joint filing system. However, the numbers have reduced compared to last year (93 or 28%), whilst the numbers of companies filing their accounts electronically, as opposed to in paper form, continues to increase. This is probably because people are more used to the electronic medium and Companies House continues to improve its systems for filing electronically. The roll out of Company Accounts and Tax Online (CATO) for joint filing of accounts with Companies House and HMRC (Her Majesty's Revenue and Customs), has assisted users considerably.
- 2.23 We upheld an appeal where a PLC wanted to file audited accounts and only discovered at a late stage that WebFiling cannot be used. The grounds for appeal is that the website does not set out definitively which types of accounts cannot be filed electronically. **We recommended that Companies House reviews the wording of the relevant pages in WebFiling and in its guidance documents to provide clear information on the types of companies and accounts which cannot file accounts using WebFiling.** The WebFiling front screens have now changed to make it obvious, with one exception, what types of accounts can be filed using WebFiling and the guidance document 'Company accounts guidance' provides the same information. What is missing from both the screens and the guidance is the advice that Community Interest Companies (CICs) cannot currently file their accounts electronically. It is intended to enable this facility in June 2019. The guidance does not mention that LLPs (Limited Liability Partnerships) cannot file their accounts electronically.
- 2.24 We did not uphold any other appeals relating to electronic filing, but we identified a particular issue with the filing of dormant company accounts (DCA) which caused users to stop before they had completed their submission, due to a lack of clarity on one screen. Some users filing DCA accounts would stop at the point where they printed their accounts because it was not explicitly clear that the filer needs to click 'Next' to submit the accounts. **We recommended that changes be made to the WebFiling screen for Dormant Company Accounts where the accounts can be printed to make it clear that it is necessary to continue to complete the submission.** Companies House immediately redesigned the screen which now provides a warning that users need to go to the next page after printing in order to submit the accounts. The 'print' and 'next' buttons have been amended and moved to be clearer for users. Companies House has observed a reduction in the number of appeals based on failure to move on from the 'print' screen.

- 2.25 On listening to telephone recordings where customers filing dormant company accounts had telephoned for assistance, we noted that Contact Centre staff helping callers to populate the fields would terminate the call at the point where the user reached the 'print' screen, leaving them to complete the submission. In some cases, this led the caller to believe, wrongly, that the submission was complete **We recommended that when guiding users through the DCA filing process, before terminating the call on reaching the 'print' screen, Contact Centre Staff advise the caller that the submission process is not complete.** Action was immediately taken to advise Contact Centre staff to give callers the appropriate advice.

Rejected Accounts Two Appeals Upheld

- 2.26 The Adjudicators upheld one and partially upheld another appeal where accounts had reached Companies House by the filing deadline but had been rejected and a penalty was imposed when amended accounts were filed.
- 2.27 We upheld an appeal where a company's accounts were rejected because the company name on the accounts did not exactly match the name on the Companies House record, showing 'and' instead of '&'. Companies House requires an exact match. **The Adjudicators recommend that the information on the need for company names on statutory documents to match exactly the name on the Companies House record should be made clearer on the Companies House website.** Companies House has agreed to make the appropriate changes.
- 2.28 We partially upheld a second appeal where accounts had been correctly rejected, but there was a delay before they were processed and returned to the company, which caused the penalty to rise to the next penalty band. The Adjudicator recommended that the lesser penalty should be collected.

Accounts Lost at Companies House One Appeal Upheld

- 2.29 Community Interest Companies (CICs) cannot file their accounts electronically because they must be submitted together with a form CIC34 and a fee of £15. One CIC claimed that the accounts, form and cheque had all been received together at Companies House prior to the deadline whereas Companies House said they had not. It was not possible to tell whether the director had made a mistake or whether the documents had been separated at Companies House and the accounts had been mislaid. The Adjudicator recommended that the penalty should not be collected.

OTHER OBSERVATIONS AND RECOMMENDATIONS

- 2.30 We made observations and recommendations in other cases where we did not uphold the appeal.
- 2.31 Whilst many communications with Companies House may be made by telephone, some must be made by email or in paper form, such as applications for extensions to the filing deadline or making appeals against late filing penalties. The communications and guidance from Companies House refer to making such appeals in writing, which some people take to exclude using email. **We have asked Companies House to make it clear that for these types of communications, email may be used as well as paper.** A review of Companies House guidance has taken place and has incorporated our recommendation. **Replies to queries about extensions to filing**

deadlines and appeals will also need to make it clear that they can be made by email. (Not all communications can be accepted by email. Statutory documents such as accounts or Confirmation Statements must either be filed electronically or in paper form. They cannot be submitted by email.)

- 2.32 Companies House produces guidance videos on how to complete the most common kinds of documents such as Confirmation Statements and Dormant Company Accounts. Some of these have become out of date and are being updated and ten guidance videos, including electronic filing services, are being produced. It is intended to develop videos showing how to file micro-entity and abridged accounts, but a timescale is not currently available. **We recommend that when these videos become available, users should be signposted to them, both on the website and when they call the Contact Centre.** This may reduce the amount of time spent by Contact Centre staff talking callers through the various fields.
- 2.33 Early in the year, we noted that substantive responses from Companies House to appellants were taking more than the target time of twenty working days. Companies House took steps to improve monitoring of its case queuing system and reduced the backlog.
- 2.34 We occasionally note errors where an appellant is addressed in the wrong gender or an incorrect title is used. These are less common than previously. Overall, we have observed a considerable improvement in the standard of responses to appeals following the changes which have been made. Replies are better focussed on the actual grounds to appeal and much less reliant on generic responses.

3. COMPLAINTS

- 3.1 Four complaints were referred to us and four complaints were included with appeals. None were upheld.
- 3.2 The first two complaints summarised below related to cases where an individual's details were incorrectly recorded on a company's record.

Complaint 1

- 3.3 In the first case, the individual appeared on the company's record as company secretary and shareholder but had never been either. Her name had been placed on the record whilst the Companies Act 1985 was in force. Under that legislation, whilst the current record can be updated, Companies House cannot remove historic references to the individual without a court order. The complainant was advised how to go about this but did not wish to. The complainant wished Companies House to expunge references to her from the company record and the information which could be found on third party websites which publish information held on the public register. Companies House cannot remove information from third party websites and advised the appellant that she would need to contact them directly. With the exception of an initial item of incorrect advice, which was remedied and for which Companies House apologised, the complaint was not upheld.

Complaint 2

- 3.4 In the second case, the complainant said that he had been appointed as a director of a company without his knowledge or consent. This had been done when the Companies Act 2006 was in force and the complainant was advised that his details could be completely removed on

application, subject to no objection being received from other parties connected to the company. (This option was not available to the case above where the events occurred when the 1985 Act was in force.) In this case, the officers of the company objected so the complainant's only option was to apply for a court order.

- 3.5 Complaints were made that the complainant's details remained on the register and about the ease of registering his name as a director, and further complaints were made over the level of service and communication and of racism. None of the complaints were upheld.
- 3.6 During the course of the complaint, the accounts for eight companies of which the complainant is a director became overdue and he appealed unsuccessfully against the penalties.

Complaint 3

- 3.7 A further complaint related to the dissolution of a company by Companies House and a number of further complaints were made. The company's annual return was received but rejected. The director did not receive the rejected document. The company had changed registered office address. The director was warned that the company would be dissolved if the annual return was not filed. Companies House made exceptional efforts to help the director change the registered office address and his personal address by filling in the forms, as much as possible, and posting them to him with a prepaid envelope for return, but without success. The complainant's responses showed that he had received at least some of the communications about the change of address and the filing of the annual return. The annual return was not filed and in due course the company was dissolved.
- 3.8 Additional complaints were made that Companies House had failed to respond to repeated Freedom of Information Act requests, the complainant had incurred £631 in data charges when downloading documents abroad, Companies House had lied about receiving a form changing the company's registered office address and had not notified him that the company had been dissolved, causing him a financial loss and embarrassment with his employer and suppliers. He also complained that Companies House had not updated the HMRC record or provided him with HMRC access codes, had sold his data to a debt management company and had not dealt properly with his complaint.
- 3.9 In considering the complaint, prior to referral to the Independent Adjudicators, Companies House concluded that it had not followed its own policy in striking off the company and the correct action would have been to prosecute the director for failing to file the annual return. It did what it could to remedy the situation and for the company to be restored to the register. Companies House offered to support the director through the process and to bear the costs. He has not responded to this offer.
- 3.10 No part of the complaint was upheld.

Complaint 4

- 3.11 Companies House, in error, showed a company as being in administration. This information was available on the Companies House record for three days. Companies House acted promptly to correct the error, communicated immediately with the company, and offered any further assistance required. A claim was made for compensation for the damage suffered by the company and the directors due to this error. Companies House has not declined to pay compensation but has asked for quantification and supporting documentation of actual losses incurred which has only been provided in a limited and incomplete manner. The complaint was not upheld.

Complaints made within Appeals

Complaint 5

- 3.12 A number of complaints were made in the course of an appeal against a late filing penalty in addition to the grounds for appeal. The complaints are listed below with the findings.
1. Companies House did not update the company's change of registered office and continued to write to the former address. The address can only be changed by filing a form AD01 which had not been done.
 2. Companies House changed the director's password. (He may be referring to the authentication code.) Companies House cannot do this.
 3. Companies House advised the director's bank that it was dissolving the company, without advising him that it was taking this unjustified action. It also made the information public on the internet. Companies House places the information on the London Gazette for public information. It does not make any other notifications.
 4. Companies House has not shown 'cause' (for the imposition of the penalty). Companies House has explained that it is for the late filing of the accounts.
 5. Failure to deliver a service for the fee paid every year. (Presumably this is the £13 fee for filing the Confirmation Statement.) The director received helpful, courteous and timely advice from Companies House.
 6. The delay in imposing the penalty for the late filing of the 2016 return. (It seems that the director thought that the late filing penalty was imposed for the late filing of the 2016 Confirmation Statement for which no penalty is payable.). Compensation of £200,000 was sought. No part of the complaint was upheld nor was it considered that any compensation was payable.

Complaints 6 and 7: Reasonable Adjustments under The Equality Act 2010

- 3.13 Two complaints were made, in the course of appeal, about a failure to make reasonable adjustments for an individual with a disability. In one case, the appellant said that being told to put his appeal in writing (in paper form) discriminated against him on the grounds of his disability. The problem was resolved when he was told that he could send his appeal by email. (See para 2.31.)
- 3.14 In the second case, the appellant was told that she needed to make her appeal in writing. When it was ascertained that she had a disability which made it impossible for her to write, whether a letter or an email, suitable adjustments were made to allow the appeal to proceed, but the Adjudicator remarked that it would have been preferable for Companies House to have asked sooner why the appellant could not make the appeal in writing rather than to continue to reiterate that she needed to do so.
- 3.15 Where Companies House is made aware of a disability, it does make appropriate adjustments. However, such information was not readily available on the Companies House website. **It was recommended that Companies House makes its policy on its obligations under the Equality Act 2010 more readily accessible.** Equality and Diversity information has been added to the front page of the Companies House website.

Complaint 8: Holds on Collection Proceedings

- 3.16 When an appeal is ongoing, Companies House places a hold on its collection action which includes telling its debt collection agents not to take action. It is not uncommon for this not to be done, and for the appellant to receive a letter from the debt collection agents. In one case where

the appellant made a complaint about this, this had happened twice. **It was recommended that Companies House takes steps to reduce the likelihood of failing to place a hold on collection action while an appeal is ongoing.** Companies House has advised us that measures have now been put in place to ensure that holds on collection proceedings are put in place in appropriate cases.

4. CONCLUSION

- 4.1 We have been impressed by the improvement in the quality of handling the high volumes of appeals which Companies House receives. It has made a number of changes and improvements in how the appeals are handled and the results are evident. The standards are very high and individual cases are given proper consideration.
- 4.2 There is a refreshingly open approach meaning that when errors are identified or pointed out, whether in appeals or complaints, they are acknowledged, apologised for and set right insofar as is possible.
- 4.3 Companies House always gives prompt consideration to our recommendations and we are impressed with how quickly they are dealt with when it is possible to do so.
- 4.4 We would like to say again how much we appreciate the excellent support which we receive from The Senior Casework Unit.



Dame Elizabeth Neville DBE QPM DL

2nd June 2018

APPENDIX A

SUMMARY OF RECOMMENDATIONS 2017-2018

(The paragraph number of the relevant section in the main report is shown.)

- 2.5 **We recommend that Companies House reviews how to achieve improved compliance by dormant companies and in particular for the email reminder to make the requirement for non trading companies to file accounts clear.**
Companies House is in agreement and will start the process to review the wording of the eReminder to make it consistent with the paper version.
- 2.23 **We recommended that Companies House reviews the wording of the relevant pages in WebFiling and in its guidance documents to provide clear information on the types of companies and accounts which cannot file accounts using WebFiling.** The WebFiling front screens have now changed to make it obvious, with one exception, what types of accounts can be filed using WebFiling and the guidance document 'Company accounts guidance' provides the same information. What is missing from both the screens and the guidance is the advice that Community Interest Companies (CICs) cannot currently file their accounts electronically. The guidance does not mention that LLPs (Limited Liability Partnerships) cannot file their accounts electronically.
PARTIALLY COMPLETE
- 2.24 **We recommended that changes be made to the WebFiling screen for Dormant Company Accounts where the accounts can be printed to make it clear that it is necessary to continue to complete the submission.** Companies House immediately redesigned the screen which now provides a warning that users need to go to the next page after printing in order to submit the accounts. The 'print' and 'next' buttons have been amended and moved to be clearer for users.
COMPLETE
- 2.25 **We recommended that when guiding users through the DCA filing process, before terminating the call on reaching the 'print' screen, Contact Centre Staff advise the caller that the submission process is not complete.** Action was immediately taken to advise Contact Centre staff to give callers the appropriate advice.
COMPLETE
- 2.27 **The Adjudicators recommend that the information on the need for company names on statutory documents to match exactly the name on the Companies House record should be made clearer on the Companies House website.** Companies House has agreed to make the appropriate changes.
- 2.31 **We have asked Companies House to make it clear that for applications for extensions to filing deadlines and appeals against late filing penalties and similar types of communications, email may be used as well as paper.** A review of Companies House guidance has taken place and has incorporated our recommendation. **Replies to queries about extensions to filing deadlines and appeals will also need to make it clear that they can be made by email.**
PARTIALLY COMPLETE

- 2.32 **We recommend that when these guidance videos on how to file DCA and micro-entity accounts become available, users should be signposted to them, both on the website and when they call the Contact Centre.**
- 3.15 **It was recommended that Companies House makes its policy on its obligations under the Equality Act 2010 more readily accessible.** Equality and Diversity information has been added to the front page of the Companies House website.
COMPLETE
- 3.16 **It was recommended that Companies House takes steps to reduce the likelihood of failing to place a hold on collection action while an appeal is ongoing.** Companies House has advised us that measures have now been put in place to ensure that holds on collection proceedings are put in place in appropriate cases.
COMPLETE

APPENDIX B

There are no outstanding recommendations from 2016-17

OUTSTANDING RECOMMENDATIONS 2015-2016

1. **The email heading for a rejected form AA01 (change of accounting reference date (ARD)) is uninformative and Companies House intends that it should be changed to bring it in line with the headings for rejected accounts which convey information about the content of the email.**
Companies House had advised that it intended to make the recommended change with the introduction of improved functionality for changing the ARD. (2014-15 recommendation). As this wider change programme now has no delivery date, Companies House is considering making this standalone change in a shorter timescale.
2. **The Adjudicators have suggested that the New Director Letter could give more information about the statutory requirement to file accounts and annual returns and refer explicitly to the guidance document GP2 Life of a Company – Annual Requirements, an important and informative document with which they should familiarise themselves. They have also suggested that a similar letter should be sent to members of new LLPs.**
The New Director Letter was updated on 30th June 2016. There are no current plans to send similar letters to members of new LLPs but this will be reviewed in the light of the success of the New Director Letter the effect of which will not be felt until June 2017 and the impact of the amended version which will not commence until 1st April 2018, when the first of the new companies will reach the filing deadline for their first accounts.

This recommendation is held over for a year while the impact of the new director letter is evaluated.