

**NEWSLETTER**

December - Q4 – 2017

**Disqualification looms for disgraced charity directors**

The Insolvency Service has recently confirmed that former directors of Keeping Kids Company (including Camila Batmanghelidjh and Alan Yentob may face disqualification proceedings or be required to give undertakings. In August 2015 it was placed into compulsory liquidation. It had received government grants of £40m over 15 years. There were considerable accounting concerns.

**Holiday pay claims in insolvency**

In a recent Employment Rights Act case the Employment Appeal Tribunal has determined that holiday pay should take into account commission (if this was part of an employment contract) and voluntary overtime (if individuals regularly worked overtime in the 12 weeks prior to their employer becoming insolvent).

**Criminal Finance Act 2017**

The Criminal Finance Act 2017 came into force on 27 April 2017. From 30 September 2017 the Act makes companies and partnerships criminally liable if they fail to prevent tax evasion. The government has issued guidance which may be found at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/642714/Tackling-tax-evasion-corporate-offences](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/642714/Tackling-tax-evasion-corporate-offences).

**New RPS guidance**

The Redundancy Payments Service has updated their redundancy fact sheets. These can be found at <https://www.gov.uk/government/publications/redundancy-payments-rp1-fact-sheet>

**Preparing for the General Data Protection Regulation (GDPR) The Information Commissioner highlights 12 steps you can take now for GDPR which will apply from 25 May 2018.**

**1 Awareness**

You should make sure that decision makers and key people in your organisation are aware that the law is changing to the GDPR. They need to appreciate the impact this is likely to have

**2 Information you hold**

You should document what personal data you hold, where it came from and who you share it with. You may need to organise an information audit.

**3 Communicating privacy information**

You should review your current privacy notices and put a plan in place for making any necessary changes in time for GDPR implementation.

**4 Individuals' rights**

You should check your procedures to ensure they cover all the rights individuals have, including how you would delete personal data or provide data electronically and in a commonly used format.

**5 Subject access requests**

You should update your procedures and plan how you will handle requests within the new timescales and provide any additional information.

**6 Lawful basis for processing personal data**

You should identify the lawful basis for your processing activity in the GDPR, document it and update your privacy notice to explain it

**7 Consent**

You should review how you seek, record and manage consent and whether you need to make any changes. Refresh existing consents now if they don't meet the GDPR standard.

**8 Data breaches**

You should make sure you have the right procedures in place to detect, report and investigate a personal data breach.

**9 Children**

You should start thinking now about whether you need to put systems in place to verify individuals' ages and to obtain parental or guardian consent for any data processing activity.

**10 Data Protection by Design and Data Protection Impact Assessments**

You should familiarise yourself now with the ICO's code of practice on Privacy Impact Assessments as well as the latest guidance from the Article 29 Working Party, and work out how and when to implement them in your organisation.

**11 Data Protection Officers**

You should designate someone to take responsibility for data protection compliance and assess where this role will sit within your organisation's structure and governance arrangements. You should consider whether you are required to formally designate a Data Protection Officer.

**12 International**

If your organisation operates in more than one EU member state (ie you carry out cross-border processing), you should determine your lead data protection supervisory authority. Article 29 Working Party guidelines will help you do this.

**Insolvency (Miscellaneous Amendments) Regulations 2017.** This legislation now brings the Limited Liability Partnerships England & Wales, Insolvent Partnerships England & Wales and Administration of Insolvent Estates of Deceased Persons England & Wales under the Insolvency (England and Wales) Rules 2016 ('IR16') regime. Effective 8 December 2017.

Insolvency Service Statistics	Q3-2017 Case Nos.	Change on Q2-2017	Change on Q3-2016
<b>Corporate</b>			
Compulsory Liquidations	665	-2.1%	4.6%
Creditors' Voluntary Liquidations	3,087	22.2%	21.2%
Administrations	320	-1.1%	-12.7%
Company Voluntary Arrangements	80	-3.6%	14.3%
Administrative Receiverships	0	N/A	N/A
<b>Personal</b>			
Bankruptcies	3,682	-2.2%	-5.2%
Debt Relief Orders	6,274	2.1%	-3.3%
IVAs	15,523	18.3%	16.8%

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