

- Notes:**
- In our view, dismissals which occurred after the start of negotiations for the sale of all or part of the business are likely to be regarded as being for a reason connected with a relevant transfer.
  - Where an employee is re-engaged by a transferee employer, it is unlikely that any dismissal in connection with the transfer will be regarded as having been for an economic, technical or organisational reason entailing changes in the workforce, within Regulation 8(2).
  - Claims which properly fall under Category A or B will be paid by this Department.

36. Please give below details of employees dismissed before or since the date of the redundancy, whom you consider to be within the scope of either category A or B below. Take care to ensure that you include each employee in the correct category. Use continuation sheets as necessary. If groups of employees are to be dismissed at staged intervals, please send us a separate schedule for each group as the dismissals occur.

**A. Employees whose dismissals were not connected with the transfer of all or part of the business within the meaning of the Regulations.**

Attach list of dismissed employees headed clearly "Schedule A" and marked with business name.

How many sheets for category A are attached?

What were the reasons for those dismissals?

**B. Employees whose dismissals were connected with the transfer of all or part of the business but which were for economic, technical or organisational reasons entailing changes in a workforce within the meaning of Regulation 8(2) such as genuine redundancy dismissals.**

Attach list of dismissed employees headed clearly "Schedule B" and marked with business name.

How many sheets for category B are attached?

Why do you think that these dismissals are within the scope of Regulations 8(2)?

**Pay Records**

37. Whom can we contact who can answer queries about pay and holiday pay entitlements?

Name

Address

Tel. number

38. Please attach a schedule of employees and their wage details. Annex RP14A sets the format required. Ensure that your schedule is clearly labelled with the business name and includes the location of the wage records of the business.

**Note: This information is required under section 190 of the Employment Rights Act 1996.**

Any refusal or neglect to provide any information required by the Secretary of State; and any false statement made knowingly or recklessly in response to this requirement, may amount to a criminal offence under that section.

**Declaration**

I Declare that:

- this form and any attachments have been completed, and the information given is correct, to the best of my knowledge;
- for any answers where I have given my opinion, I have done so to the best of my ability and having taken account of all the available evidence;
- I shall inform the Redundancy Payments Directorate, in writing, of any subsequent change in the circumstances and/or information given on this form.

Signature:

Address

Name: (CAPITALS)

Date:

Tel. number:

Postcode

# Insolvency: information from employer's representative

**All notes in this form are for guidance only. They are not a full or authoritative statement of the law.**

**Who should complete this form?**

The licensed insolvency practitioner should complete this form. He/she may choose to allow someone else to complete the form but it is the practitioner who must sign the form.

**What if I don't know or am not sure about the answers to some of the questions?**

Please answer them all to the best of your knowledge, or give your opinion based on the available information.

The final responsibility for deciding entitlement to a payment rests with us, not with you.

**The form seeks a lot of information. Why?**

We need more information in cases where:

- there has been, will be, or may be a transfer of assets, or of all or part of the insolvent business; and/or where:
  - employees have been dismissed since the date of the insolvency.
- The form invites you to skip past these sections if neither is applicable.

**Why do you need the extra information in those cases?**

We need to decide whether any dismissals of employees during the

period of insolvency are within the scope of the House of Lords' judgement in the Litster case\*. For that, we need to find out whether such dismissals were or were not connected with a transfer of business. We also need to identify dismissals which are connected with a business transfer but which are for economic, technical or organisational reasons entailing changes in a workforce, within the meaning of the Transfer of Undertakings (Protection of Employment) Regulations 1981 - referred to in this form as "the Regulations". (Note: references in this form to "Regulation 8(2)" are to Regulation 8(2) of those Regulations.)

*\* Litster & Others v Forth Dry Dock & Engineering Co. Ltd & Another [1989]. IRLR 161.*

**What happens next?**

We will process the claims taking account of your opinion that the employees are within the scope of categories A or B (see page 4 of this form).

**How can employees get more information?**

Our free booklet, PL718 "Redundancy and Insolvency: A Guide for Employees" is available from Employment Service Jobcentres.

- Notes:**
- where boxes appear that give you a choice of answer(s), please tick all that apply;
  - if there is not enough space for your answer, please continue on a separate sheet of paper and attach it to this form. Please mark each continuation sheet so that it is clear to which part of the form it relates.

**Details of Insolvent company**

1. Name of business

2. Trading address

3. Address of registered office (if applicable) if not a registered company Go to Question 19

4. Company number

5. Date incorporated

6. Nature of business

7. Employer's PAYE reference  District number

Reference number

8. Who were the directors of the company?

Surname & Initials	N.I. Number	Surname & Initials	N.I. Number

9. Are any of the directors claiming redundancy payments as employees of the company?

No  Yes  and I confirm that form RP3 has been issued to each director claiming

10. Please give details of the shareholders and their holdings:

Name of Shareholder	Shares Held	%	Name of Shareholder	Shares Held	%

### Details of associated companies

11. Are there any legally associated companies of the Insolvent company? Yes  No  Go to Q16

12. Please give details of the associated companies:

Name of associated company	Registered number	Name of associated company	Registered number

13. Why do you consider the companies to be legally associated?

14. Did the associated companies offer to employ any of the insolvent company's employees? Yes  No  Go to Q16

15. Please give details of the offer:

Date	Time	Was the offer made:	Employee name	Who made the offer?
		in writing or orally		Name: Position:

### Details of employees

16. How many people were employed by the business on the date it became insolvent?

17. Are any employees claiming continuity of employment prior to the date of incorporation? Yes  No  Go to Q20

18. Please give details of that employment:

Address of employer

Name of employer

Date this employer started trading

19. Why do you think it should be treated as continuous employment?

20. Did the business employ sub-contractors?

No  Yes,  and I attach a completed form RP6.

21. To your knowledge, have there ever been any official or unofficial strikes?

No  Yes,  and I attach a sheet showing the date of the strike.

22. To your knowledge, were any of the employees subject to an Attachment of Earnings Order?

No  Yes,  and I attach a sheet giving details.

23. NI rate used for employees

e.g. Class 1, Type A

For employees not paying the rate listed above (e.g. Married Woman's Reduced Rate) attach a list to this form.

24. When did the employee's holiday year start?

e.g. 1<sup>st</sup> June or Anniv of Start

25. Were employees entitled to "carry over" holiday from the previous year's entitlement?

No  Yes  If "Yes", how many days?

26. Were employees paid up to their dismissal dates?

Yes  No  If "No", please give last date paid for.

Details of the insolvency/action taken

27. On what date did the business formally become insolvent within the meaning of section 183(3) of the Employment Rights Act 1996?

28. What type of insolvency is it? See categories in section 183(3) Employment Rights Act 1996.

29. Has there been, or do you anticipate that there is likely to be, a transfer of:

- assets only

Please enclose a copy of the contract of sale or other instrument of transfer. Please say why you think this is not a relevant transfer within the meaning of the Regulations.

- the whole business

Please enclose a copy of the contract of sale or other instrument of transfer. If none, please give details of transfer here:

- part of the business

- none of the above

Go to Q33

30. To whom was the transfer made or do you anticipate the transfer will be made?

Name of person or company

Address

Date the transfer was made? or is likely to occur?

Date negotiations begin?

31. Which of the following have been or are likely to be transferred?

- the goodwill of all or part of the business
- the work in progress
- the intellectual property rights

- the customer list
- any premises
- other assets

32. Have any employees of the insolvent business gone to work for any employer to whom any assets of the business, or all or part of the business undertakings, have been or are likely to be transferred?

Yes

No

33. Have there been any dismissals since the date of insolvency?

Yes

Please enclose copies of any dismissal letters

No

Go to Q37

34. Were the dismissed employees given any notice?

Yes

No

Go to Q36

35. Please give details of the notice given:

Date	Time	Was the offer made to all employees YES. If NO please attach a list of those employees given notice	Who made the offer?
		Was the offer made in WRITING/ORALLY (delete)	Name: Position: