**IVA STANDING COMMITTEE**

**Minutes of 26th Meeting: 05 November 2014**

1. Welcome

Apologies from: DEMSA

Additions: Lloyds Banking, FCA (for part)

1. Review of Outstanding Matters from Previous Minutes
2. Issues previously identified around rejection of IVAs, rejection of variation fees and issues with information not being passed onto debt purchasers resulting in default:

**AP1** – This is on-going MoneyPlus Group have put together a group of IPs and are collating examples and statistics on rejection rates to put into a report and have agreed to act as conduit to raise with CSA.

1. Decisions of IVA SC:

**AP2**- C/F InsS to amend terms of reference of SC to confirm that decisions be reached by quorum and written agreement by email for those not attending.

1. The “In debt dealing with customers” booklet:

**AP3**- MAT have updated into plain English but there are issues with what IP can do regarding changes with FCA regulation. This is with InsS to take forward.

1. HMRC seeing increase in low debt value IVAs:

HMRC brought examples of low debt value cases received by them to the meeting which were discussed. It was noted that a clear rationale needs to be put forward by IP in nominees report as to why IVA is the most appropriate solution.

FCA confirmed that they are currently undertaking a thematic review of what constitutes good debt advice that may cover this area. Report due in second quarter of 2015.

**AP4-** InsS to liaise with FCA on what scope of this review is and FCA to see whether they could send a representative to a future SC meeting.

**AP5-** In the meantime it was decided that it would be useful to establish a sub group to look at this issue and explore whether a minimum debt level should be introduced. Watch Portfolio agreed to canvass volunteers from SC and organise sub group to look at this.There were a number of members initially interested in joining.

In the meantime HMRC can go back to IP or regulator if they are concerned about these low value cases.

1. Variation fees/ discretion as to whether variation is appropriate :

**AP6** – Agreed StepChange to re-word the protocol (removing 19.2) to give supervisor discretion as to whether variation is appropriate so when one is called it is genuine and in these instances the supervisor will be entitled to get paid.

1. Recent Pension changes:

**AP7** – C/F InsS are still looking at how it is planned to treat these in bankruptcy. Once advice is confirmed InsS to feedback to SC.

1. The position of IVAs in the debt management market; the role of FCA and the RPBs; the role of the Standing Committee.
2. Dear IP 63 and IP exclusion from FCA regulation:

It was discussed that the interpretation given in Dear IP 63 is different to response R3 had previously had from HMT.

**AP8** – R3 to provide copy of response from HMT to InsS.

**AP9** – InsS to seek clarification from HMT and come back to SC and then wider if appropriate.

***Update:*** *I approached HMT on this point and they advised that they considered that matters of interpretation regarding the scope of the exclusion should most appropriately fall to the FCA. FCA have confirmed that they are content with the interpretation in Dear IP 63.*

1. SIVAs:

**AP10** – It was agreed that sub group being established (AP5 above) to look at small debt value IVAs could also review protocol IVAs generally to explore whether further simplification of process to reduce cost was achievable. It was felt that would be preferable to the introduction of a whole new procedure.

1. Review of Operation of the Protocol
2. Update re concerns on equity clause and Response to reader’s email in Arian 48:

**AP11** – Latest draft of response was agreed by SC with one minor change. It was agreed the reference to the sub- prime lender should be removed. Citizens Advice to issue response from SC.

1. Delays in completion of IVAs subject to PPI claims resulting in complaints:

Regulatory Forum Meeting on 6 November is looking at guidance on this. It was agreed SC to await outcome of this.

**AP12** – IPA, ICAEW and InsS to feedback at next meeting.

1. Standard reporting templates:

**AP13** – Improvements have been made to these by ICAEW and IPA who will circulate to SC. Feedback from creditors so far has been that it is helpful. It was agreed that creditors would report back at next SC and then decision can be made as to how best to promote use of these going forward as they are not mandatory.

1. AOB
2. Income and expenditure assessments:

Money Advice Service is currently consulting on new single income and expenditure statement to be used throughout sector and to be incorporated into the IVA Protocol. Deadline for responses to consultation is 12 November 2014 with implementation planned for September 2015.

1. Responsibility for chasing follow ups:

**AP14** – MoneyPlus Group agreed to chase action points from this meeting.

1. Next meeting- venue and date

To be hosted by IPA on Thursday 19 March 2015 at 11:30

1. Dates for future meetings

* Thursday 16 July 2015 at 11:30- to be hosted by ICAEW
* Thursday 19 November 2015 at 11:30