

Information Released under Freedom of Information Act

Subject: Companies House policy for dealing with persons/directors with mental health issues

Date Released: 13 November 2009

Summary of request: The enquirer requested information of the Companies House policy for dealing with persons/directors with mental health issues

Information released:

Companies House does not have a specific policy for dealing with directors with mental health issues. As you will appreciate, it would be impossible for Companies House to have policies which covered all eventualities with regard to the reasons why the directors of a company are unable to submit documents to the Registrar within the statutory time limits.

I have attached a copy of the document that is currently on our website (www.companieshouse.gov.uk) concerning Late Filing Penalty Appeals, which forms the basis of how Companies House will deal with such appeals. From this you will see that there are instances when the Registrar would not collect a late filing penalty because of certain exceptional circumstances, and of course in some instances a health issue would be considered an exceptional circumstance. We try to be as fair and sensitive as we can, and will in all cases look at the individual circumstances before a final decision is made, but I hope you will appreciate that we must have a starting point from which we base our decisions and the attached document represents that starting point.

The Registrar takes the view that if a company has more than one director, then there is a shared responsibility for the statutory obligation of filing documents. This is emphasised by the fact that in all cases, all the directors of a company are informed that they are each personally responsible for the delivery of documents and are warned of the consequences of non-compliance.

I am sorry that I have not been able to fully answer your freedom of information enquiry as we simply do not have a policy that deals with your specific circumstances. I hope that our guidance on Appeals for Late Filing Penalties and the explanation above will have detailed the way in which Companies House considers each individual case and the reasoning behind decisions we have made.