

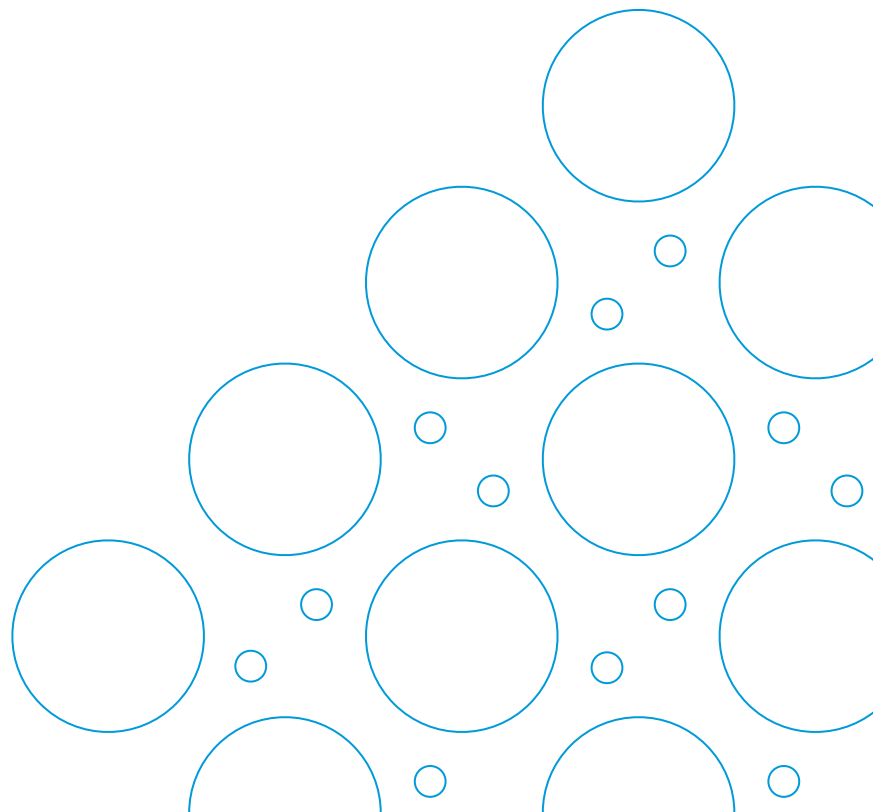


Ministry
of Justice

Claims Management Regulation

Complaints Handling Procedures Guidance Note

Reissued September 2013



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Introduction

1. This Guidance Note provides information to help claims management companies to comply with the Complaints Handling Rules 2006 (prescribed by the Conduct of Authorised Persons Rules) on handling a complaint. A complaint is any expression of dissatisfaction. It does not extend the rules, introduce new rules or define best practice.

The Complaints Handling Rules

2. The Complaints Handling Rules 2006 (“the Rules”) are published online at: www.justice.gov.uk/claims-regulation/information-for-businesses/conduct-of-business. In order to be authorised, a business must answer “yes” to the question: “Will the business operate a complaints scheme in accordance with the rules made by the Regulator?” when completing the application form.

A Complaints Scheme

3. The Rules specify what should be in a complaints scheme. Individual claims management companies need to implement their own schemes. The Claims Management Regulator (“the Regulator”) does not prescribe details as complaint schemes must take account of the nature of the business.
4. Companies that simply introduce cases are unlikely to have many complaints, but should still operate complaints scheme in case they do. In the event that such companies are not experienced in operating complaints schemes, a basic scheme is appended. A company adopting this scheme will meet the requirements of the Rules.
5. Sole traders and companies operated by one person have previously asked whether they need to retain a different person to handle complaints. The Rules do not require this; sole traders can consider their own complaints. For clarity a sole trader may wish to replace the final sentence of paragraph 3 of the appendix with: *“Although the complaint may be in respect of a decision which I took, I will investigate it thoroughly”*.

Appendix – Complaints Handling Scheme

1. Complaints may be made in writing, by e-mail, by telephone or any other form in respect of a claims management service that we have provided and that is regulated under the Compensation Act 2006.
2. We reserve the right to decline to consider a complaint that is made more than six months after you became aware of the cause of the complaint. There may be instances where we will waive this requirement at our discretion. We will confirm to you in writing if a complaint has been made outside the time limit that we are prepared to consider.
3. We will send you a written or electronic acknowledgement of a complaint within five business days of receipt, identifying the person who will be handling the complaint. Wherever possible, that person will not have been directly involved in the matter which is the subject of the complaint, and will have authority to settle the complaint.
4. Within **four weeks** of receiving a complaint, we will send you either:
 - a) a final response which adequately addresses the complaint; or
 - b) a holding response, which explains why we are not yet in a position to resolve the complaint and indicates when we will make further contact with you.
5. Within **eight weeks** of receiving a complaint we will send you either:
 - a) a final response which adequately addresses the complaint; or
 - b) a response which:
 - (i) explains why we are still not in a position to make a final response, giving reasons for the further delay and indicating when we expect to be able to provide a final response; and
 - (ii) informs you that you may refer the handling of the complaint to the Claims Management Regulator if you are dissatisfied with the delay.
6. Where we decide that redress is appropriate, we will provide you with fair compensation for any acts or omissions for which we are responsible and will comply with any offer of redress which you accept. Appropriate redress will not always involve financial redress.

7. If you are not satisfied with our response, or if a complaint is not resolved after eight weeks, you may refer the complaint to –

Claims Management Regulation Unit
57 – 60 High Street
Burton–upon–Trent
Staffordshire
DE14 1JS

Telephone: **0333 200 0110**
(Lines are open Monday to Friday 9:00 – 17:00)

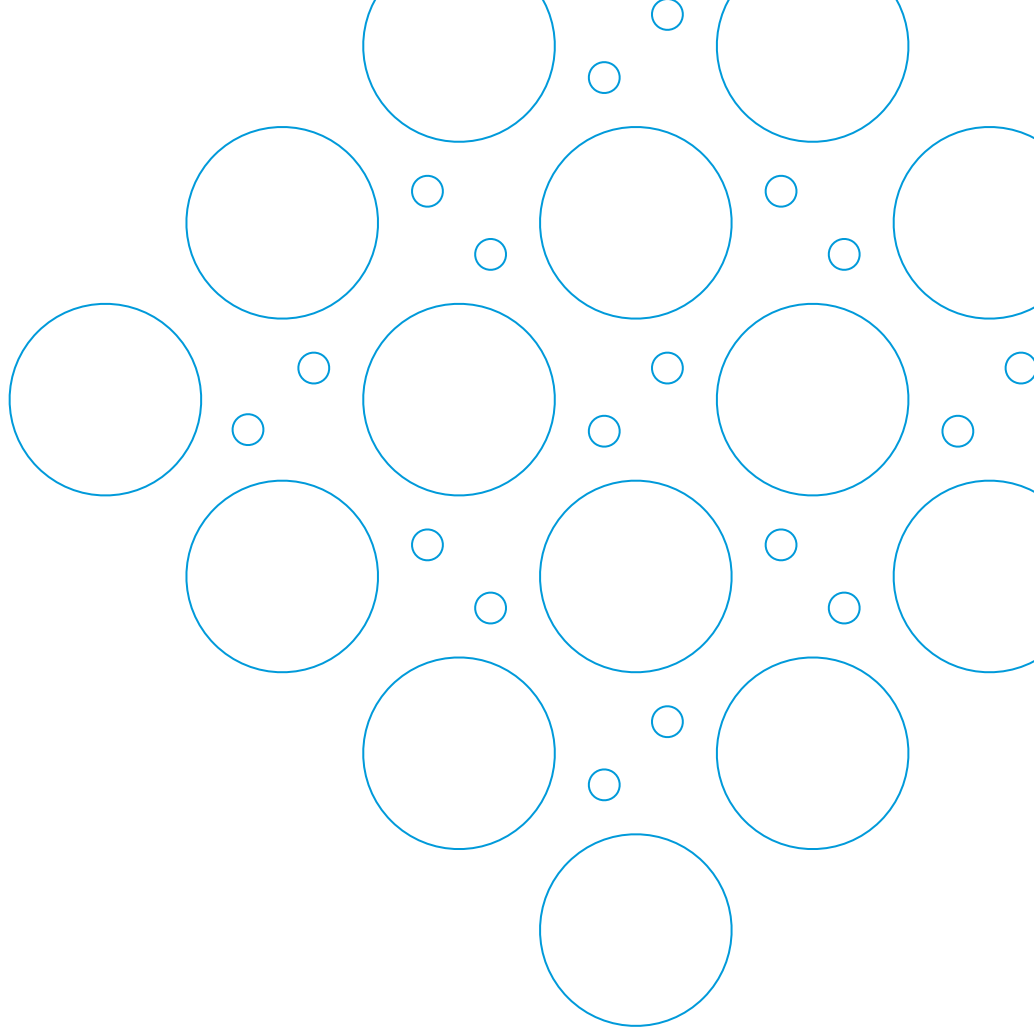
Email: consumer@claimsregulation.gov.uk

Website: www.justice.gov.uk/claims-regulation/information-for-consumers/how-to-complain

8. The Claims Management Regulator **can**:
- a) use any information you provide to review your complaint;
 - b) ask us to apologise, re-do work for free or refund a fee if they find we have not complied with the regulatory rules.

The Claims Management Regulator **cannot**:

- a) pay compensation or order compensation to be paid to you if you have lost out or have received poor service; or
- b) take regulatory action if we have not broken any regulatory rules.



Contact Information

For queries concerning information in this publication please contact:

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102 Petty France
London SW1H 9AJ

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