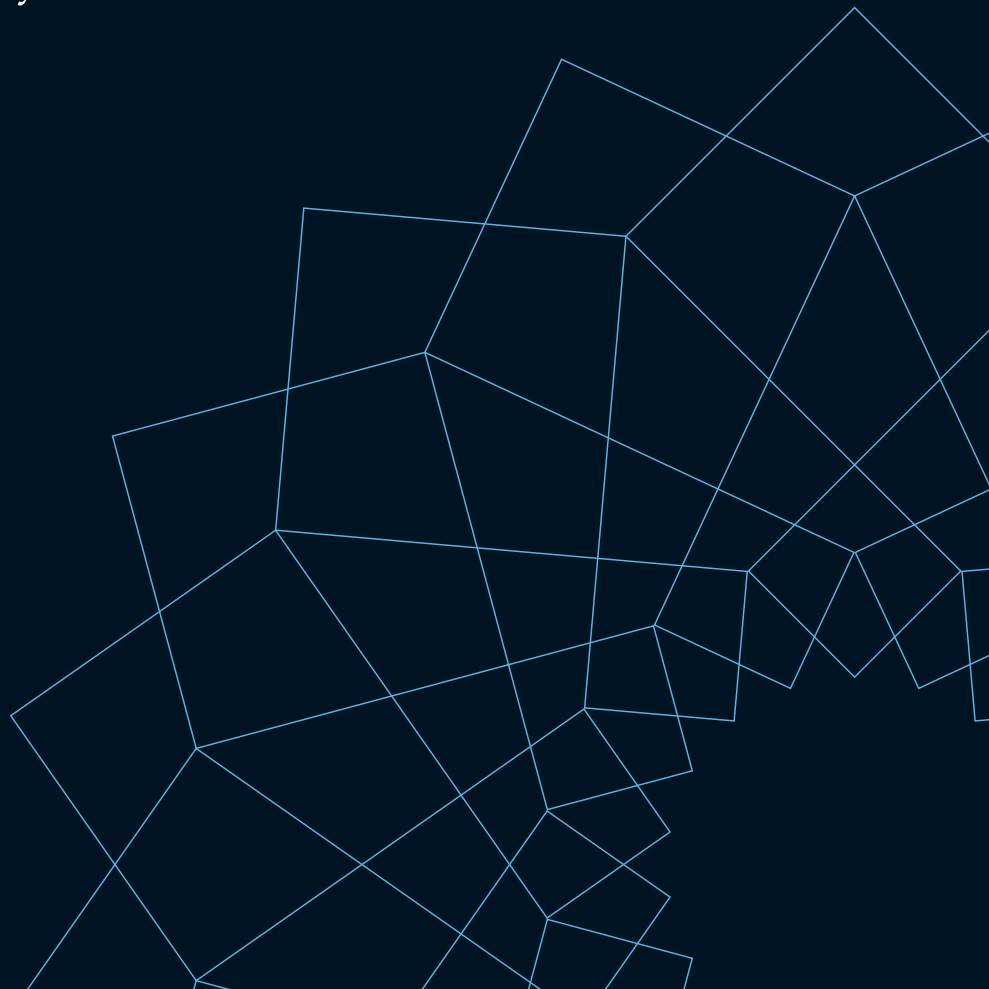




Ministry
of Justice

Claims Management Regulation
Publication Policy

Amended January 2015



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Introduction

Under current regulatory arrangements, decisions about regulatory matters, including those on enforcement, will be taken in the name of the Secretary of State for Justice (the “Regulator”) by the Head of the Ministry of Justice’s Claims Management Regulation Unit (the “CMR Unit”). The Regulator has delegated authority for specific enforcement actions to named officers of the CMR Unit.

For the purposes of this Publication Policy (“Policy”), references to the Regulator include references to the Head of the CMR Unit, and to authorised officers of the CMR Unit acting under the Regulator’s direction.

The Regulator’s Enforcement Policy¹ states “actions taken by the Regulator may be made public where it is appropriate to do so”. This Policy is intended to provide guidance for the Regulator, claims management companies (“businesses”), consumers and the public regarding what information the Regulator may publish, or otherwise disclose about its enforcement decisions and complaints data.

¹ www.gov.uk/government/publications/claims-management-regulator-enforcement-policy

1. Basic principles

- 1.1 The role of the Regulator is to ensure that in regulation and enforcement, the interests of the public are protected.
- 1.2 The Regulator has a duty under section 2(c) (ii) of the Compensation Act 2006 to promote “good practice by persons providing regulated claims management services, in particular in relation to the provision of information about charges and other matters to persons using or considering using the services” and to ensure under section 2(c) (iv) “that arrangements are made for the protection of persons using regulated claims management services.”
- 1.3 In keeping with the Regulator’s duty, this Policy will:
 - Protect and empower consumers by allowing the Regulator to provide information about certain decisions to refuse, suspend or cancel authorisation, or to take other enforcement action including imposing financial penalties,² or issuing written undertakings;
 - Increase consumers’ and businesses’ understanding of the Regulator’s role by making its decision-making transparent; and
 - Promote compliance among authorised persons by providing for the publication of details of breaches of the conditions of authorisation.

2 www.gov.uk/government/publications/claims-management-companies-financial-penalties-guidance.

2. What the Regulator may publish or otherwise disclose under this Policy

- 2.1 This Policy will allow the Regulator to disclose timely, factual and useful information, at appropriate stages of regulatory action, to meet the basic principles set out in section 2.
- 2.2 Under this Policy, the Regulator may publish on the Claims Management Regulation website³, or otherwise disclose, information about regulatory decisions. That information will fall into one of the following four categories:

2.2.1 Disclosure that an investigation is underway

The Regulator may disclose that it is investigating a business, but only if the business has been informed that an investigation under Regulation 35 is being undertaken. The Regulator will not, at this stage, state the investigation's possible or likely outcome.

2.2.2 Announcement that warnings or undertakings have been issued

The Regulator will make a brief announcement on the website that warnings or undertakings have been issued to an authorised person and explain the general nature of those warnings or undertakings.

The Regulator will decide, on a case-by-case basis, whether to name the authorised person in question; the Regulator will name the authorised person if satisfied it is appropriate to do so.

Where the Regulator has decided that it would not be appropriate to publish the name the authorised person publically on its website, the Regulator may disclose, when asked and when it is appropriate to do so, that undertakings and warnings have been issued.

2.2.3 Announcement that formal enforcement action has been taken

The Regulator will make a brief announcement on the website that it has decided to impose a financial penalty or refuse, vary, suspend or cancel an authorised person's authorisation. This action will identify any rules that have been breached and may, where it is appropriate to do so, provide a summary of the general nature of those breaches.

The publication will coincide with the amendment of the person's authorisation status on the website's authorised business register⁴ in the case of variation, suspension or cancellation and at the point that the decision is taken in the case of refusals or financial penalties.

³ www.gov.uk/voj/cmr

⁴ www.claimsregulation.gov.uk/search.aspx

2.2.4 **Publication of detailed decision**

The Regulator will, if appropriate to do so, publish on its website an account of its decision to impose a financial penalty, refuse, vary, suspend or cancel a person's authorisation.

The authorised person in question will be given an opportunity to make representations in relation to the publication of the decision, which the Regulator will take into account before publishing it. Publication will take place after the person's right to appeal has expired (or, if one is made, after an appeal has been concluded).

2.3 When considering whether to name a person under 2.2.2, provide a summary of the general nature of the rule breaches under 2.2.3 or to publish a detailed decision under 2.2.4, the Regulator will be satisfied that certain criteria are met to warrant such action.

2.4 The criteria the Regulator will consider are:

- (1) public interest reasons, which may be indicated by the level of enquiries received by the Regulator, either from consumers or from the media;
- (2) the number of complaints received about the person;
- (3) the size of the business in question; and
- (4) the seriousness of the breach.

2.5 The Regulator will consider any objections raised by a person to the publication of a detailed decision under 2.2.4. The Regulator may still publish its decision if it considers the objections insubstantial or if it deems that the factors it considered under the criteria (2.4) outweigh those objections.

2.6 **Publication of consumer complaints data – The Legal Ombudsman**

The Legal Ombudsman will take on the handling of claims management consumer complaints from 28 January 2015. This will enable the Legal Ombudsman to publish closed consumer complaints (where an ombudsman's decision was made), as part of their ongoing publication of ombudsman decision data. Consumer complaints that were resolved informally will not appear in the published information.

3. Availability of the Policy

3.1 A copy of this Policy (and any other relevant guidance or policies) will be made available upon request. A version for the partially sighted is also available.

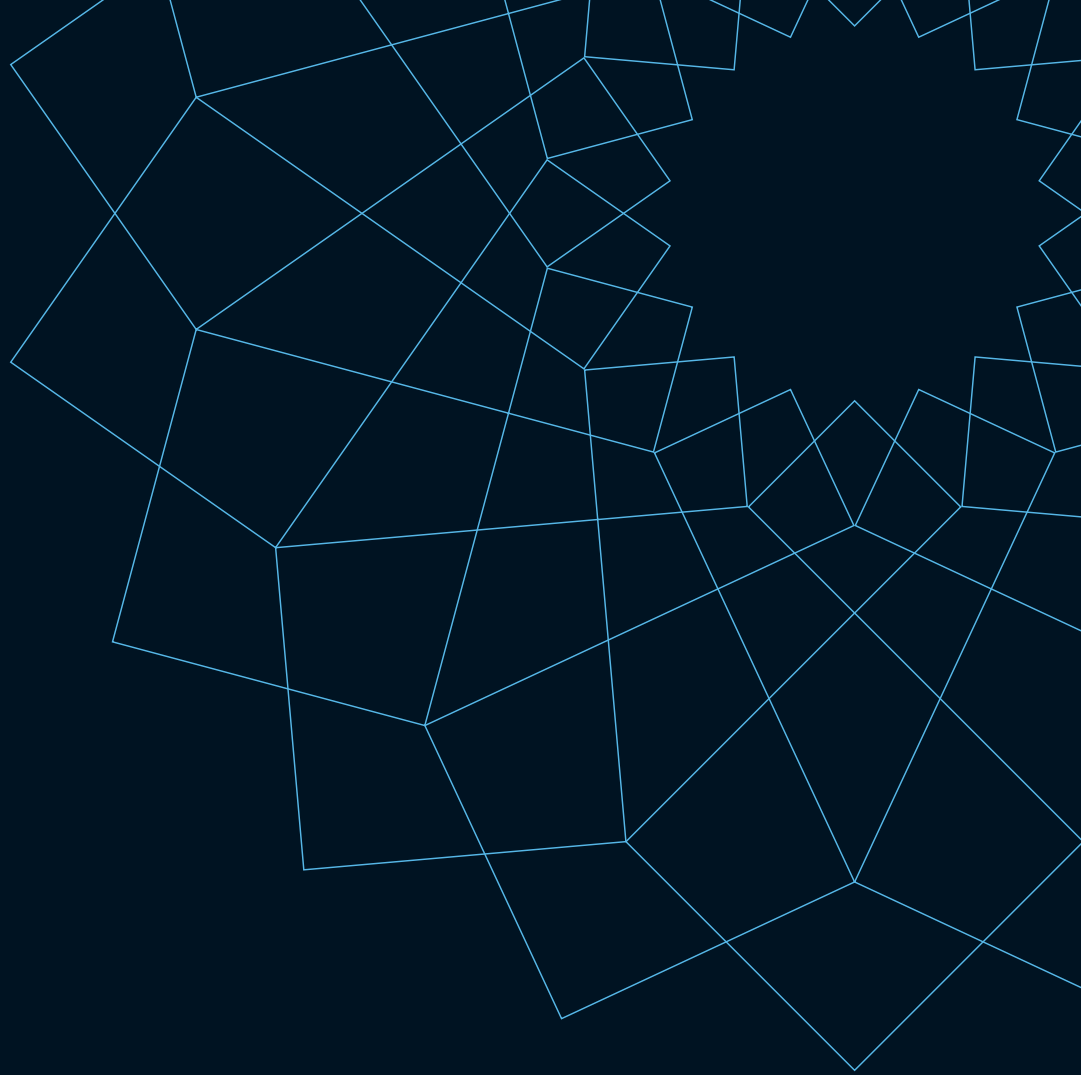
3.2 Enquiries should be made to:

Claims Management Regulation HQ Team
Ministry of Justice
102 Petty France
London
SW1H 9AJ

E-mail: claimsmanagementregulation@justice.gsi.gov.uk

Telephone: 020 3334 3555

Website: www.gov.uk/moj/cmr



Contact Information

For queries concerning information in this publication
please contact:

Ministry of Justice
Claims Management Regulation Unit
Headquarters
102 Petty France
London SW1H 9AJ

E-mail: claimsmanagementregulation@justice.gsi.gov.uk
business@claimsregulation.gov.uk

Website: www.gov.uk/moj/cmr