



Ministry of **JUSTICE**

Claims Management Services Regulation

Complaints Handling Procedures

**Guidance Note
2007**

9 May 2007

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Introduction

1. This Guidance Note provides information to help claims management businesses comply with the Rules of Conduct on complaints handling. It does not seek to extend the rules, to introduce new rules or to define best practice.

The Complaints Handling Rules

2. The Complaints Handling Rules 2006 are published on the website www.claimsregulation.gov.uk. They came into operation on 6 April 2007. In completing the application form, businesses must answer “yes” to the question: “Will the business operate a complaints scheme in accordance with the rules made by the Regulator”.

A Complaints Scheme

3. The Rules specify what should be in a complaints scheme. It is not the task of the Regulator to prescribe the detail of a complaints scheme. That is a matter for individual businesses. As the Rules state, these must take account of the nature of the business.
4. Those businesses that simply introduce cases are unlikely to have any complaints. However they still need to have a complaints scheme just in case they do have complaint. Many such businesses will have had no experience in setting up a complaints scheme. To help those business a basic complaints scheme is appended. This meets the requirements of the Rules. A business simply needs to adopt this scheme to meet the requirements in the Complaints Handling Rules.
5. Some sole traders and companies that are in effect run by one person have asked whether they need to retain a different person to handle complaints. The Rules do not require this. It is quite in order for a sole trader to consider complaints. For the avoidance of doubt 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”.
6. A business that has contracts with clients may well wish to have a more detailed scheme. The standard reference work is BS ISO 10002:2004 “Quality management – customer satisfaction – Guidelines for complaints handling in organisations” obtainable from BSA (www.bsi-global.com). However, this cost £112 for non-members.

Appendix - Complaints Handling Scheme

1. Complaints may be made in writing, by e-mail, by telephone or in 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 for the business. 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. With 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 Regulator
PO Box 7824
Burton on Trent
Staffordshire
DE14 9DP
info@claimsregulation.gov.uk
Tel: 0845 4506858.
8. The Regulator can review the handling of the complaint and can give a direction on further handling of the complaint. However, he cannot determine a complaint or award compensation.