



Ministry of **JUSTICE**

Claims Management Services Regulation

Complaints Procedure

April 2007

Introduction

From 23 April 2007, businesses providing claims management services are subject to regulation under the Compensation Act. Broadly speaking, all claims management activity not already regulated is covered. This includes referring claims to a solicitor or a claims management business for a fee and handling a claim. Businesses providing regulated claims management services must be authorised. Full details of the scope of the regulatory regime and a list of authorised businesses can be found on the website www.claimsregulation.gov.uk.

Making a complaint about an authorised business

All authorised businesses are required to have a complaints handling procedure. If they have a website, the procedure can be found there; if they do not, you can request a copy. The procedure has to meet certain basic rules. The Complaints Handling Rules can be found at www.claimsregulation.gov.uk or sent to you on request.

Complaints to the Regulator about claims management services

If a client is still dissatisfied after using the business's complaints handling procedure then the complaint can be referred to the Regulator. However, the Regulator will consider the complaint only:

- if it has been raised with the authorised business, and
- it was made within six months of the complainant being aware of the cause of the complaint, and
- the business has not responded to the complaint within 8 weeks or the client is dissatisfied with the business's response to the complaint.

What to expect from the Regulator

The Regulator can consider the authorised business's handling of the complaint and in certain circumstances the complaint itself. The Regulator will acknowledge receipt of your complaint within 5 days with an initial indication of what steps he will be taking and when he will contact you again. He would expect to complete his consideration of a complaint within 6 weeks. If a complaint is likely to take longer he will let you know.

Steps the Regulator will take in considering the complaint

The Regulator will want to be satisfied that the complaint is about a regulated claims management service. He might need to contact the business to establish this. If he considers there are grounds for the complaint, he will ask the business to provide a statement setting out its comments on the complaint. On receipt of the statement, the Regulator will consider all the information before him in reaching any conclusion. In some cases the Regulator may need to seek further information from the client or business.

The Regulator's decision

If the complaint is considered justified then the Regulator may direct the business to:

- apologise;
- redo, without charge, any work improperly done; or
- in certain circumstances, repay a fee that has been charged.

The Regulator might also issue a direction about the further handling of the complaint. In some instances, the Regulator might decide to take disciplinary action against the business.

Compensation

The Regulator does not have the statutory power to order a payment of compensation. Where the business decides that redress is appropriate, it will provide you with fair compensation for any acts or omissions for which it is responsible and will comply with any offer of redress which you accept. Appropriate redress will not always involve financial redress.

Appeals from the Regulator's decision

There is no formal right of appeal from the Regulator's decision, although the client is always free to take legal action. The Regulator would reconsider any complaint if further information were provided that was not available to him when the complaint was first made.

Complaints through a Third Party

The Regulator will consider a complaint from a third party such as an MP where the client has given his permission for the complaint to be referred by him.

Where to send your complaint

Complaints may be made in writing, by e-mail, by telephone or in any other form at:

Claims Management Regulator
PO Box 7824
Burton on Trent
Staffordshire
DE14 9DP

info@claimsregulation.gov.uk

Tel: 0845 4506858.