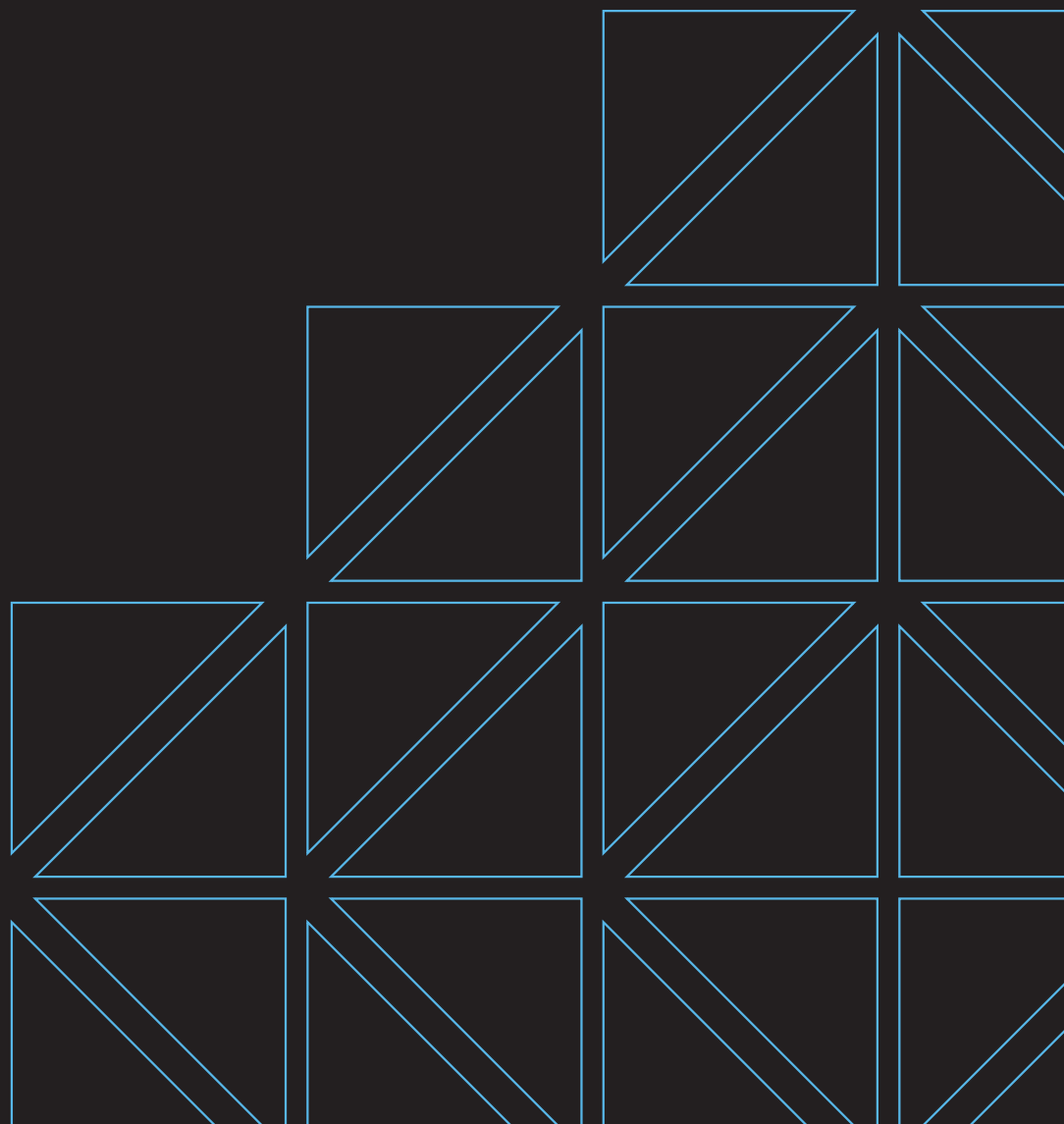




Ministry
of Justice

Claims Management Regulation

Complaints Handling Rules 2015



Complaints Handling Rules 2015

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Complaints Handling Rules 2015

Introduction

1. These rules are made by the Regulator pursuant to Regulation 23(c) of The Compensation (Claims Management Services) Regulations 2006 and are referred to in General Rule 8 of the Conduct of Authorised Persons Rules.

Application

2. All businesses (including sole proprietors) authorised under the Compensation Act 2006 are required to comply with these rules in respect of activity regulated under the Act¹.
3. These rules apply:
 - a) to any complaint received by a business on or after [the effective date]; and
 - b) to any complaint received by a business before [the effective date] where, on that date, a final response letter has not yet been sent to the complainant.

Requirement to have internal complaints handling procedures

4. A business must have in place and operate appropriate and effective internal complaints handling procedures (which must be in writing) for handling any expression of dissatisfaction, whether oral or written, and whether justified or not, from or on behalf of a complainant about that business's provision of a regulated claims management service.
5. A complainant is a person using a service regulated under the Compensation Act 2006.
6. Complaints that are within the scope of the Legal Ombudsman's Scheme Rules must be dealt with in compliance with those Rules.
7. The internal complaints handling procedures must provide for:
 - a) receiving complaints;
 - b) responding to complaints;
 - c) the appropriate investigation of complaints; and
 - d) notifying complainants of their right to complain to the Legal Ombudsman, the timeframe for doing so and full contact details of the Legal Ombudsman.
8. When deciding what constitutes appropriate complaints handling procedures, a business should have regard to:
 - a) the type of business it undertakes;
 - b) its size and organisational structure;

¹ Regulated activity as defined in The Compensation (Regulated Claims Management Services) Order 2006.

- c) the nature and complexity of the complaints it is likely to receive; and
 - d) the likely number of complaints it will receive and have to investigate.
9. A business must take reasonable steps to ensure that all relevant employees (including employees of exempt introducers) are aware of the business's internal complaints handling procedures and must endeavour to ensure that they act in accordance with them.

Particular matters for which procedures must make provision

10. A business's internal complaints handling procedures must make provision for:
- a) a complainant to be able to make a complaint by any reasonable means (letter, telephone, e-mail or in person);
 - b) complaints to be investigated by a person of sufficient competence who, wherever possible, was not directly involved in the matter which is the subject of the complaint;
 - c) the person charged with responding to complaints to have the authority to settle complaints (including the offering of redress where appropriate) or to have ready access to someone who has the necessary authority; and
 - d) responses to complaints to address adequately the subject matter of the complaint and, where a complaint is upheld, to offer redress.

Timescale for dealing with complaints

11. A business must send a written or electronic acknowledgement of a complaint within five business days of receipt, giving the name or job title of the individual handling the complaint for the business, together with details of the business's internal complaints handling procedures.
12. A business must, by the end of eight weeks after its receipt of a complaint, send the complainant either:
- a) a final response (which must inform the complainant that they can complain to the Legal Ombudsman, the timeframe for doing so and full contact details for the Legal Ombudsman); or
 - b) a response which:
 - i. explains that the business is still not in a position to make a final response, gives reasons for the further delay and indicates when it expects to be able to provide a final response; and
 - ii. informs the complainant in writing that they can complain to the Legal Ombudsman, the timeframe for doing so and full contact details for the Legal Ombudsman.

Publicising Procedures

13. A business must:
- a) before signing a contract with a client and at the next appropriate opportunity for existing clients, notify a client in writing of:
 - i. their right to make a complaint to the business, how and to whom this can be done and provide a copy of its internal complaints handling procedure; and

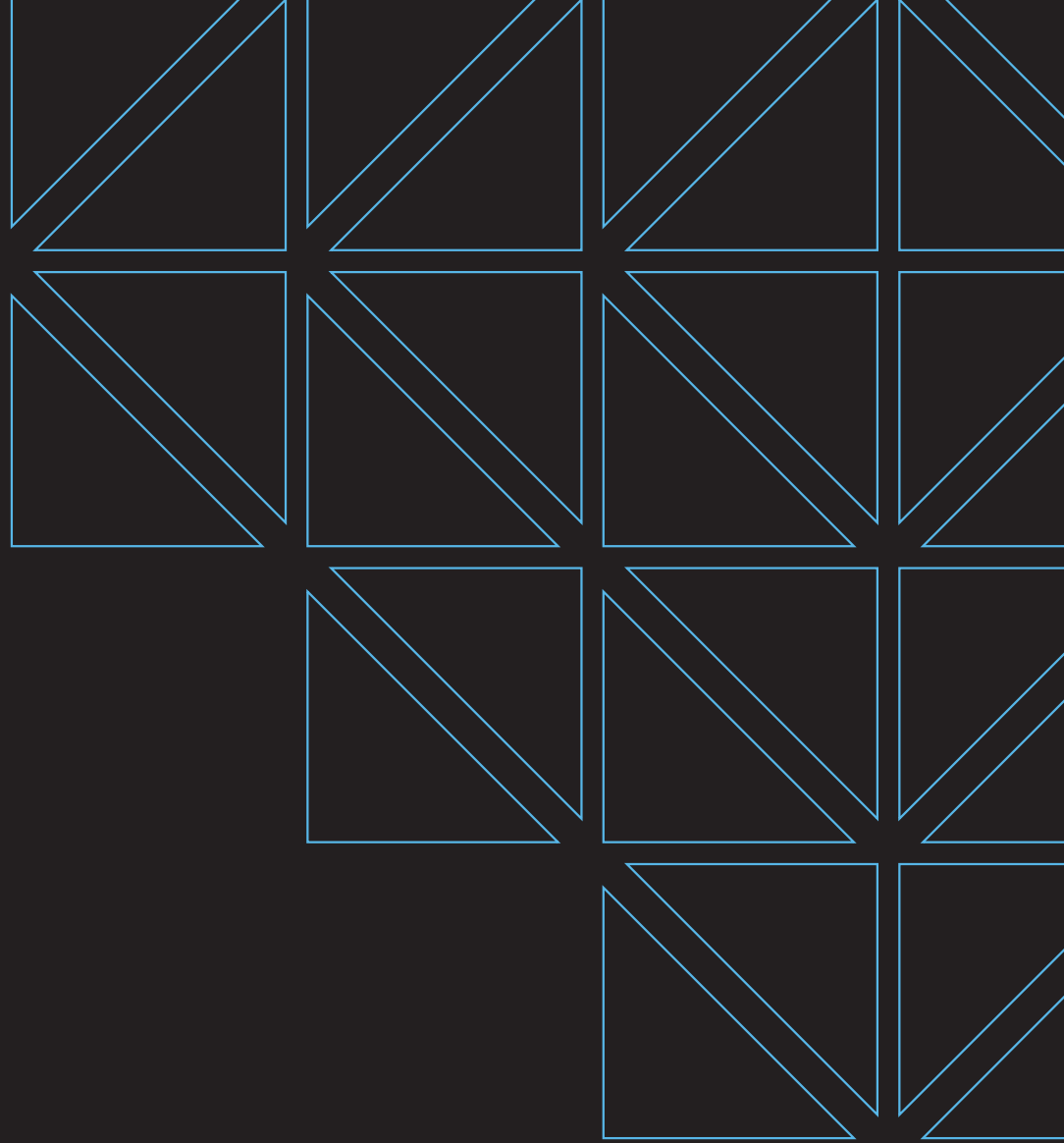
- ii. their right to complain to the Legal Ombudsman at the end of the complaints process, the timeframe for doing so and full contact details for the Legal Ombudsman; and
 - b) publish details of its internal complaints handling procedures on its website if it has one, supply a copy on request to a complainant, and supply a copy automatically to the complainant when it receives a complaint.
- 14.** A business's literature and correspondence relating to complaints should be in clear and plain language.

Cooperating with the Legal Ombudsman

- 15.** Where the Legal Ombudsman requests assistance in connection with the investigation, consideration or determination of complaints under the ombudsman scheme a business must provide such assistance in connection with those matters as it is reasonably able to give.
- 16.** A business must comply with a notice that requires specified information or documents to be provided to the Legal Ombudsman under section 147 of the Legal Services Act 2007.
- 17.** A business must comply with any direction contained in a determination made by the Legal Ombudsman under section 137(2) of the Legal Services Act 2007 where the determination of the complaint has been accepted by the complainant and is binding and final.

Record Keeping

- 18.** A business must maintain records, and provide to the Regulator, on request, details of all complaints handled under these rules.



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