

Claims Portal Ltd Behaviour Committee Guidance

<p><b>Reference:</b></p>	<p>BCG2</p> <p><i>The content of this guidance note is a recommendation and not intended to be binding on the parties.</i></p>
<p><b>Details of the Issue:</b> Multiple Claim Notification Forms by Multiple Claimant Representatives</p>	
<p><b>Details of Behaviour</b></p>	
<p><b>Behaviour Issue:</b></p>	<p>This issue relates to the submission of more than one Claim Notification Form (CNF) via the Portal for the same injury by multiple claimant representatives.</p>
<p><b>Outcome:</b></p> <p>The outcome of the Behaviour Committee’s considerations will be in the form of general guidance which is not intended to be binding on the parties but which will be published by Claims Portal Ltd.</p>	<p>The Behaviour Committee believes that it is the responsibility of the claimant representative to ensure they have a correct retainer in place prior to the submission of a CNF. Instructions to act should be taken in such a way that there is only ever one representative and one contract to act.</p> <p>If there is more than one CNF for the same injury, the insurer should only pay once and it is a matter for the solicitors to deal with the problem that has been created by their actions.</p> <p>It is certainly not in the best interest of the injured person to have a situation where more than one representative claims to act. In addition, where there is more than one CNF there is a cost to Claims Portal Ltd and wasted cost for compensators and claimant representatives alike. The Law Society, APIL and MASS deplore such bad behaviour.</p>
<p><b>Action:</b></p>	<p>Where there is more than one CNF, the solicitor who believes that the single contact rests with them should complain to their regulator, as well as seek to resolve the issue with the other solicitor claiming to act. Complaints should be made to the Information Commissioners Office in appropriate cases as well as the Solicitors’ Regulatory Authority.</p> <p>In addition, Claims Portal Ltd has raised this behaviour with the regulators and the Ministry of Justice, as well as considering other ways to eradicate this problem.</p>

Related Documents / Information

**1. Copy text of letter sent to Claimant Representatives identified to the Behaviour Committee.**

Letter 1:

*Following receipt of a complaint (ref: xxxx) about your organisation the matter was considered at the Claims Portal Behaviour Committee. The case involves posting or attempting to post more than one CNF on the portal.*

*The Claims Portal Ltd Behaviour Committee (consisting of a balance to reflect the views of insurers and claimant representatives) believes that, if there is more than one CNF for the same injury, the insurer should only pay once and it is a matter for the solicitors to deal with the problem that has been created by their actions.*

*It is the responsibility of the claimant representatives to ensure they have a correct and proper retainer in place. Instructions to act should be taken in such a way that there is only ever one representative and one contract to act. Where there is more than one CNF, the solicitor who believes that the single contract rests with them should complain to the regulator (as well as seeking to resolve the issue with the other solicitor claiming to act). Complaints should be made to the Information Commissioners Office in appropriate cases as well as the Solicitors' Regulatory Authority.*

*It is certainly not in the best interests of the injured person to have a situation where more than one representative claims to act. In addition where there is more than one CNF there is a cost to Claims Portal Ltd and wasted costs for compensators and claimant representatives alike. The Law Society, APIL and MASS deplore such bad behaviour. In addition Claims Portal Ltd will raise this behaviour with the regulators and the MoJ, as well as considering other ways to eradicate this problem.*

<b>Date Published:</b>	01/10/2011 – revised 25/10/2017
------------------------	---------------------------------