



**Professional
Paralegal
Register**

This is the Proposed ADR Scheme Rules consultation response from the PPR.

1. Is the description of our approach, in section 1, to the application of the rule clear?

The PPR considers that the approach taken by LeO to amend the current Scheme Rules To enable compliance with the ADR Regulations is clear and appropriate.

Amended Rule 4.4 is clear however the caveat of six months (prior to implementation of this new Rule) is unfortunate in that it does affect the clarity but is necessary to ensure avoidance of doubt.

We agree with the removal of rules 4.5 and 4.6 as otherwise the scheme would not be compliant with the ADR Regulations on time-bar rejections.

Clearly it is a requirement that LeO are able to maintain a refusal to deal with complaints in certain situations and the revisions to 5.7(d) seem wholly appropriate.

The consequential amendments to 4.7 and 4.8 are clear and appropriate.

2. Do you foresee any difficulties in applying the approach in section 1?

The PPR does not see any difficulties in applying the approach in section 1 for any new complaints however, existing complaints will need to be managed with a clear date for when the new rules apply.

3. Should we explore specifying a period of time within b) i) beyond which the presumption should be that the investigation of the case would seriously impair the effective operation of the Scheme.

a) If so what should that period of time be?

The PPR are unsure how specifying a time period that is suitable for all cases can be fair. A time period 'range' may be more appropriate.

4. Or do you consider that no time period should be set because the issues would be case specific?

This is the ideal situation and if it can be fairly managed this would be the PPR's preferred option.

5. Do you consider it would be reasonable to use the new rule 5.7(d) to refuse to deal with complaints about acts or omissions that took place so long ago that a fair practical and proportionate investigation can no longer be conducted and safe conclusions cannot be reached at all, or without unreasonable or disproportionate commitment of time or resources?

Yes, there must be a system that prevents vexatious claims or claims that have already had a fair hearing. This rule provides a safeguard to prevent a waste of resources being used which may impair the service as a whole that LeO can offer.

a) If not how do you think we should deal with these complaints?

6. Is the description of our proposed approach, in section 2, clear?

Yes, the PPR thinks that this approach is clear and reasonable in the circumstances. Refusal to deal with a complaint rather than dismiss a complaint – the outcome is the same for the complainant and this is what matters.

7. Do you foresee any difficulties in applying the approach in section 2?

The meaning of refusing a claim or dismissing a claim is so similar that the PPR do not foresee any difficulties in applying this approach.

8. As set out above, the ADR Regulations allow ADR entities to refuse to deal with disputes that do not meet a pre-determined minimum and maximum monetary threshold. Should we explore having prescribed monetary thresholds for the value of claims?

Yes, the PPR feels that it would be appropriate to explore this but accepts that this would be difficult to determine.

a. If so, what should the thresholds be?

This would require research and the PPR feel that they are not in a position to be able to comment on this at present.

b. How should we identify and verify the amount?

9. Do you have any other views on our proposed new sub section of chapter 4?

No, this looks straightforward and reasonable.

10. Are there any other grounds which you feel should be in the in the new subsection "complaints not covered"?

No, however, it may be appropriate for this to be maintained as a non-exhaustive list so that in the event that new types of complaints arise, then these could be added at the discretion of LeO.

11. Are the consequential amendments clear?

Yes

12. Are there any further amendments you think we require?

No

13. Do you have any comments or observations related to this consultation which you would like the OLC to consider?

The PPR feel that it is wholly appropriate and desirable for LeO to become an ADR entity for the legal services sector. The PPR wholeheartedly support an application by LeO and consider them the only appropriate body to ensure that the sector does not fragment its obligations under the ADR Directive to differing ADR entities. This would be bad for the sector and more importantly very confusing for the consumer.

LeO have worked very hard to establish itself and this is an obvious extension of its professional capabilities.

The PPR would like the MoJ to support LeO in being able to offer ADR services to PPR members who work in the unregulated sector. Paralegals make up the biggest number of legal practitioners within the sector and are equally under a duty adhere to the ADR Regulations.

The PPR would like to thank LeO for providing us with this opportunity to take part in this important consultation.

Rita Leat

Director, PPR Ltd

02/11/15