



Encouraging a Diverse Profession

Consultation response by:

The Professional Paralegal Register (PPR)

30th November 2016

The Professional Paralegal Register (PPR)

1. PPR is the voluntary regulatory scheme for Paralegals who work in the unregulated sector in England and Wales. It was launched at the House of Lords in December 2014 after extensive consultations had taken place with The Law Society; The SRA; The Bar Council; The Bar Standards Board; The Legal Services Board; The Consumer Panel of the LSB; The Legal Ombudsman's Office; CILEX and CILEX Regulation.
2. A stakeholders' forum took place in June 2014 with attendance from Skills for Justice; The Ministry of Justice; The Institute of Paralegals; The National Association of Licensed Paralegals; The Society of Willwriters; The Institute of Professional Willwriters; Mc Kenzie Friends; Citizens Advice; The Legal Ombudsman; Law Society for Scotland; The Scottish Paralegal Association; Which?Legal; Co-operative legal; TSI; Council for Licensed Conveyancers; Chartered Institute of Patent Attorneys; Institute of Trade Mark Attorneys; The Voluntary Public Interest Advocacy (McKenzie Friend Association) and the Treasury Solicitors.
3. The aim of the PPR is to provide a robust regulatory scheme for Paralegals working in the unregulated sector in England and Wales. It has, as one of its regulatory objectives, improved access to justice for consumers who require cost effective and legal advice and assistance. The PPR is a not-for-profit organisation.
4. The Register is both open and transparent and provides a list of PPR members who are categorised in 'Tiers' dependant on their qualifications and experience. The register is accessible to all. The regulatory scheme enables consumers to seek out professionally qualified and 'regulated' (by the PPR) Paralegals in the knowledge that they can take advantage of a first tier complaints procedure via a Paralegal's membership body and a second tier complaints procedure via the PPR that has a compensation fund available in certain circumstances.
5. The Legal Services Act 2007 (the Act) allows for the provision of legal services outside the Regulatory Framework and provides the court with discretion to grant permission to conduct litigation or rights of audience to non-authorised persons.
6. The PPR has a direct interest in the issues raised by this consultation and believes that it can offer insight into the unregulated market and the need to embrace unregulated providers to ensure a diverse profession.

7. The PPR would welcome a further discussion with the LSB to enable us to more fully explain the PPR and how it can assist with this issue. For more information on the PPR please visit <http://ppr.org.uk>

Introduction

8. The PPR accepts that it is important that a collaborative approach amongst key stakeholders is required to encourage a strong, diverse and effective legal profession.
9. The PPR are grateful to the LSB for the opportunity to respond to this consultation on the revised guidance for regulators.
10. The consultation seeks views on how the regulatory objectives in the Legal Services Act 2007 (the Act) can be met to provide a diverse legal profession that can meet the needs of clients.
11. The PPR agrees with the scope of diversity reflected in the original guidance and accepts that an update to section 162 of the statutory guidance is needed to increase diversity in the profession.
12. The PPR is committed to working collaboratively with statutory regulators and embrace the need for complementary practices to address the issue of diversity in the profession.
13. At 11. the PPR fears that allowing regulators to 'carry on their work on diversity more freely' will do little to promote collaboration or clarity for the end user.
14. At 15. the PPR would suggest that the outputs from data collection will only be useful if it is comparable to the outputs of other regulators.
15. At 18. the PPR agree that the diversity data collected should inform regulatory and policy decisions. The fact that it is not (in some cases) shows a lack of commitment to seek improvements to current practices.

Consultation Questions

Question 1: Is the proposal to switch the focus of the guidance to outcomes beneficial to encouraging the diversity of the profession?

16. PPR takes the view that outcomes focused guidance is essential.

Question 2: Will the proposed guidance allow regulators the opportunity to develop their own approaches to addressing diversity issues in the legal services profession?

17. The proposed guidance will allow regulators to develop their own approaches but the PPR does not agree that this will in-itself improve diversity or collaboration within the sector. Outcomes need to be comparable.

Question 3: To what extent are regulators already demonstrating achievement of the outcomes? If they are not, why do you think this is?

18. It would appear from the Market Evaluation that some regulators are demonstrating achievement of the outcomes but true diversity can only be achieved through agreed measures overall for the sector. Improving diversity in one branch of the legal profession does not create a diverse legal sector, just a more diverse group within the sector.

Question 4: How can the LSB ensure that the data the regulators collect continues to be comparable?

21. The LSB needs to set the way that data is recorded by all regulators as a central bank. What each regulator does internally to record data should be irrelevant.

Question 5: Given the LSB's proposal to assess regulator performance in this area, what would be the most effective way to carry this out? How long should we allow regulators to implement changes before any potential future performance assessment?

22. It is the PPR's view that each regulator should make a statement each year as to its own targets to improve diversity, providing reasoning for its plan. The LSB should assess each regulator against its own targets. All targets should be published and agreed as reasonable by the LSB. The PPR considers twelve months' sufficient time for regulators to implement changes prior to potential performance assessment.

Question 6: Will the proposed guidance:

- a. deliver better services for consumers?**
- b. support innovation in legal services?**
- c. allow regulators to encourage business-led diversity initiatives?**
- d. encourage a more diverse profession?**

23. a. Yes
b. Yes
c. Yes
d. Yes, but only with collaboration.