



**Professional  
Paralegal  
Register**

## COMPLAINTS PROCEDURE

### Who we are

The Professional Paralegal Register (PPR) operates a voluntary regulatory scheme for its Members. It has been established to regulate and promote the provision of legal services by Paralegals, who by circumstance, would not otherwise be regulated. We provide a regulatory framework and a set of professional standards, to which all our Members must adhere. It is important to stress that the PPR does not exist to promote individual Paralegals in the same way as a membership body might. Our role is to provide regulation and oversight of those on our Register, and to further and promote the paralegal profession as a whole.

In order for a Paralegal to be accepted onto our Register, they must first be a member of a PPR Recognised Body that is the Paralegal's Membership Body. The current Recognised Bodies are The Institute of Paralegals, The National Association of Licensed Paralegals, The Chartered Institute of Arbitrators and The Association of Probate Researchers. Members of the PPR can be (i) Registered or (ii) Regulated.

Not all Paralegals are Members of the Professional Paralegal Register.

### **Complaining about a PPR Member**

The PPR requires a high level of professional care in respect of work undertaken by its Members. One of the PPR's functions is to handle complaints made by clients against its Members.

This document explains the procedure to be followed when a complaint is received.

### **How can a client make a complaint about a PPR Member?**

The complaints procedure of the Paralegal's Membership Body must be exhausted before a complaint may be made to the PPR.

### **What type of complaints can the PPR hear?**

#### i) Registered Paralegal

The PPR's concern is the quality of the conduct of the Registered Paralegal. If a client feels unfairly treated by a Registered Paralegal, or that the standard of

care or professionalism shown was below expectation and in breach of the PPR Code of Conduct or related standards, then the PPR will investigate that.

Clients of Registered Paralegals do not have access to the PPR Compensation Fund.

- ii) Regulated Paralegals (i.e. those who hold a valid Paralegal Practising Certificate (PPC)).

The PPR's remit here is to regulate professional conduct as in (i) above but in addition to that, the PPR regulate the services that are covered by the Regulated Paralegal. The PPR can therefore hear complaints concerning unsatisfactory services or advice provided by the Paralegal concerned.

Clients of Regulated Paralegals have access to the PPR Compensation Fund in certain circumstances.

### **Eligibility to bring a complaint**

Only a client, as defined in Appendix 1, may bring a complaint, and the Paralegal must be a member of the PPR both at the time the issue arose and at the date the complaint is made. This can be confirmed directly with the PPR.

For the purposes of making a complaint, the Client will be referred to as the 'complainant' and the Paralegal whom against the complaint is being made will be referred to as the 'Respondent'.

### **The Process**

Delay in bringing a complaint may prejudice the outcome.

To start the complaints process with the PPR a client needs to download and complete the appropriate complaint form from our website [www.ppr.org.uk](http://www.ppr.org.uk). There are two complaint forms as follows:

- To complain about a Paralegal who is a 'Registered' Paralegal use Form CL1
- To complain about a Paralegal who is a 'Regulated' Paralegal use Form CL2

The PPR are only able to consider complaints using this format.

The completed complaints form must be sent to the PPR, preferably in digital format, together with all of the supporting documentation. Originals of the supporting documentation are not required. A complaints form must be accompanied by everything on which the Complainant will rely to prove their case against the Respondent. Everything must be submitted at the same time with the completed claim form. The supporting documentation should include copies of the complaint

and correspondence between the Complainant and the Respondent, and the Complainant and the Respondent's membership body, if any.

The burden of proof lies with the Complainant and the Complaints Committee will determine it on a balance of probability.

Once the PPR receives the completed complaints form and supporting information, the procedure for investigating the complaint, as highlighted in the timetable below, will commence. The PPR will inform the Complainant if any significant changes are made to the procedure or the timetable.

Throughout the complaints process, any correspondence the PPR may have with the Complainant will be copied to the Respondent, and correspondence with the Respondent will be copied to the Complainant.

The Complaints Committee will accept photocopied documents, but on occasion, may require sight of an original. If either party is unable to provide an original on request, then the photocopy may be disallowed.

If a Registered or Regulated Paralegal fails to respond promptly and politely to any correspondence from the PPR, they may be in breach of the Rules of the Code of Conduct, The Paralegal Practitioner Rules or the Paralegal Practising Certificate Rules.

A Registered or Regulated Paralegal may be required to deliver a file or files to the PPR upon request.

All complaints are referred to the Register Regulatory Committee (RRC), even those that are resolved by correspondence. The RRC determines the outcome for complaints after receiving final responses and observations from both the Complainant and the Respondent.

## **Adjudication**

Adjudication is an Alternative Dispute Resolution (ADR) process that sits alongside the common law. Parties that use Adjudication to resolve their dispute, do **not** lose the right to pursue the same issue through the courts.

## **What is the Register Regulatory Committee?**

One of the functions of the Register Regulatory Committee is to determine complaints about PPR Members. Its powers are summarised in this procedure.

## **What are the powers of the Register Regulatory Committee in the context of complaints?**

The Register Regulatory Committee appoints the Complaints Committee. The

Complaints Committee examines complaints about Registered or Regulated Paralegals.

If a Complainant complains about a Registered Paralegal, the Complaints Committee may make one or more of the following decisions:

- > dismiss the complaint;
- > order a Registered Paralegal to repay some or all of the costs paid;
- > order a Registered Paralegal to pay compensation of up to £500 for loss suffered, which may include compensation for distress and inconvenience (guidance at the end of this procedure explains how this is determined);
- > impose a penalty of up to £500 on the Registered Paralegal ;
- > order a Registered Paralegal to rectify any error at their own expense;
- > issue a written caution or reprimand to the Registered Paralegal;
- > suspend the Registered Paralegal, pending further enquiries;
- > institute further investigation;
- > refer the matter to the Adjudication and Appeals Panel;
- > publicise any sanction or fine on the Register.

If a complainant complains about a Regulated Paralegal, the Committee may make one or more of the following decisions:

- > dismiss the complaint;
- > order the Regulated Paralegal to repay some or all of the costs paid;
- > order the Regulated Paralegal to pay compensation of up to £500 for loss suffered, which may include compensation for distress and inconvenience (guidance at the end of this procedure explains how this is determined);
- > impose a penalty of up to £500 on the Regulated Paralegal;
- > order a Regulated Paralegal to rectify any error at their own expense;
- > issue a written caution or reprimand to the Regulated Paralegal;
- > suspend the Regulated Paralegal, pending further investigation;

- > institute further investigation (including appointing appropriately qualified investigator(s));
- > refer the matter to the Adjudication and Appeals Panel;
- > access the compensation fund;
- > publicise any sanction or fine on the Register.

The Adjudication and Appeals Panel may:

- > order any of the sanctions above that the Complaints Committee can order in respect of Registered or Regulated Paralegals, and
- > order that a member be suspended as a member for a defined period or order that membership be terminated permanently;
- > order a Regulated Paralegal to pay compensation of up to £5,000 for loss suffered which may include compensation for distress and inconvenience (guidance at the end of this procedure explains how this is determined);
- > impose a penalty on a Regulated Paralegal up to £5,000;
- > order that the Regulated Paralegal pays the costs involved in the hearing of the Adjudication and Appeals Panel.

### **What about claims for negligence?**

Although poor service may include negligence, any potential negligence claim should first be referred to the Regulated Paralegal's insurers. At the complainant's request, the Complaints Committee will consider any outstanding complaints after the negligence claims have been either resolved or abandoned.

### **Appeals**

The final decision of the Adjudication and Appeals Panel will be binding upon the Registered or Regulated Paralegal and the Complainant. However, either party, who is aggrieved in respect of a decision of the Complaints Committee or the Adjudication and Appeals Panel in respect of the procedure followed, may within 28 calendar days of the date of the decision request an Appeal against such decision addressed to: 110 Linton House, 164 – 180 Union Street, Waterloo, London SE1 0LH. The Appeal shall be conducted by the Adjudication and Appeals Panel (with different panel members sitting).

### **Data Protection Act 1998**

The PPR is registered as a data controller under the Data Protection Act 1998 and therefore must comply with the rules of good information handling. The Data

Protection Act 1998 allows individuals to find out what information is held about themselves on computer and some paper records.

## Equal Opportunities Policy

In our work and in processing complaints against Members, we are committed to ensuring that all users of the complaints service are treated fairly, impartially and without discrimination based on race, colour, ethnic or national origin, nationality, citizenship, sex, sexual orientation, marital status, disability, age, religion, philosophical beliefs or political persuasion.

## TIMETABLE FOR COMPLAINTS

| <b>Procedures</b> |  | <b>Timescale for response</b>                              |
|-------------------|--|--|
| 1.                | The PPR will acknowledge the receipt of the complaint.                     | Within 2 working days of receipt.                          |
| 2.                | The PPR will send a copy of the complaint to the Respondent.               | Within 5 working days of receiving the complaint.          |
| 3.                | The Respondent must respond to the letter informing them of the complaint. | Within 10 working days of receipt of the complaint letter. |

### Investigation of Complaint:

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|----|--|---|
| 4. | The PPR will acknowledge the response of the Respondent.   | Within 2 working days of receiving this response                    |
| 5. | The PPR will send a copy of the Respondent's response for comment to the complainant   | Within 4 working days of receipt                                    |
| 6. | If the complainant is not content with the Respondent's response, the PPR will write to ask the Member in question to send a copy of complainant's file within 10 days of the date of our request. | Within 5 working days of receiving the complainant's response       |
| 7. | An external report writer, who has appropriate experience, will prepare a report on the file.  | A report is normally available within 8 weeks of receiving the file |

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| 8.  | If time-scales are not going to be met, we will let both parties know and provide a new timetable.   | As soon as is practicable.                           |
| 9.  | Once a report is available, we send copies to both parties, giving them the opportunity to comment. We circulate comments to both parties.   | Within 21 days of receiving and reviewing the report |
| 10. | PLEASE NOTE: If the client does not comment on the Respondent's response, then after 2 months the Register Regulatory Committee will consider the matter, and may decide that the complaint has been abandoned and that the matter should be closed. |  |

### Decision

|     |  |                               |
|-----|--|-------------------------------|
| 11. | The Chair of the RRC appoints a Complaints Committee. The complaint is placed before the next available meeting of the Complaints Committee<br><br>available meeting of the Register Regulatory Committee. |                               |
| 12. | The parties will be advised of the Complaints Committee's decision by letter.  | Within 7 days of the meeting. |

### Appeals/Awards over £500.

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|-----|---|--|
| 13. | If the complainant's matter requires consideration of compensation over £500, this will be referred to the Adjudication and Appeals Panel.            | At decision stage  |
| 14. | If either party wishes to appeal a decision, the matter is referred to the Adjudication and Appeals Panel. Confirmation will be sent to both Parties. | Confirmation within 7 days of receipt. Tabled for the next Adjudication and Appeals Panel mtg. |
| 15. | The parties will be advised of Panel's decision.  | Within 7 days of meeting.  |

The PPR has the discretion to determine the complaint on its merits in the absence of a response from the Respondent.

### Awards for Distress and Inconvenience

Awards for distress and inconvenience are made entirely at the discretion of the

Complaints Committee. Distress and inconvenience includes, concern, disappointment, loss of some reasonable expectation and the time and effort the client has spent on a complaint that would not have been necessary if the Paralegal's service had been adequate.

### **How is compensation calculated?**

The maximum total award that can be made is £5,000 for poor service of Regulated Paralegals (but only in respect of serious matters which are referred to the Adjudication and Appeals Panel), including any extra expenses and significant losses. This may also include compensation for distress and inconvenience that may have been suffered. The Complaints Committee or the Adjudication and Appeals Panel may direct the Registered or Regulated Paralegal to refund fees that have been paid in certain circumstances.

The PPR does not have a binding tariff or scale. The Complaints Committee will assess the case on its merits when deciding how much compensation the Paralegal should pay the Complainant. The decision of the Adjudication and Appeals Panel is final.

### **Compensation and the harmful effect of poor service**

The PPR may tell the Registered or Regulated Paralegal to pay the Complainant compensation if the poor service or the conduct of the Paralegal falls into one of the categories listed below:

#### **Modest - usually £250 or less**

The Regulated Paralegal's poor service had a limited effect. The Paralegal made a mistake, acknowledged the mistake, and took steps to put it right.

#### **Significant - usually between £250 and £500**

The Regulated Paralegal's poor service had a more serious effect, but not a lasting one. The poor quality of the Regulated Paralegal's service had caused some concern, annoyance, upset or inconvenience, but had a short-term effect, and the problem was resolved.

#### **Serious - usually in excess of £500**

As a result of the Regulated Paralegal's poor service, a serious effect has been suffered, possibly over a significant period of time. The complainant's quality of life has been considerably disrupted or their family (or both) had suffered particular hardship. Awards of over £500 can only be made by the Adjudication and Appeals Panel where a matter is referred to that Panel by the Complaints Committee.

#### **Extremely serious - in excess of £1,000**



The Regulated Paralegal's poor service has had a severe impact over a long period of time and/or with permanent effects. Situations of this kind occur very rarely. Awards of over £500 can only be made by the Adjudication and Appeals Panel where a matter is referred to that Panel by the Complaints Committee. The maximum total award is £5,000.

### **What happens if a Paralegal refuses to pay?**

If after determination of a complaint a Paralegal refuses to pay an order for compensation, the RRC will try every reasonable means at their disposal to pursue the claim on behalf of the client. This does not include court action.

For Regulated Paralegals, this may involve making an award of compensation available from the PPR fund and/or striking the Regulated Paralegal from the Register.

## **APPENDIX 1**

### **Definitions:**

Unless the contrary intention appears, words importing the masculine gender include the feminine, words in the singular include the plural and words in the plural include the singular.

“Adjudication” the process of resolving a dispute;

“Adjudication and Appeals Panel” a panel appointed by the Complaints Committee to hear appeals;

“ADR” alternate dispute resolution;

“Applicant” any person who is applying or has applied for registration as a Paralegal;

“Brokers” the insurance brokers responsible for organising an Indemnity Insurance Policy for a Paralegal;

“Claim” a claim or circumstance whereby something has occurred or been omitted which may lead to a claim in respect of an Indemnity Insurance Policy;

“Client” a person, group or company that uses or seeks the professional advice or services of a Paralegal or Professional Paralegal;

“Compensation Fund” a fund that may, at the discretion of the Register Regulatory Committee, be used, in certain circumstances, to compensate clients of Regulated Paralegals where complaints are upheld;

“Complainant” a client that makes a complaint;

“Complaints Committee” a committee formed by the Register Regulatory Committee to hear complaints;

“Disciplinary Rules & Procedures” the rules and procedures that apply to a Paralegal or Professional Paralegal Practitioner specifically where it applies to a disciplinary action by the RRC;

“Evidence of Insurance” evidence that the Insured is acting under suitable professional indemnity insurance cover in accordance with these Rules;

“Indemnity Insurance Policy” the professional indemnity insurance policy authorised by these Rules;

“Member” an Applicant who has been accepted as a member of the PPR;

“Membership Year” such 12-month period as the PPR may determine in relation to

each Member;

“Membership Body” the professional membership body to which the Paralegal belongs, see also Recognised Body;

“Membership Tier Certificate” a certificate issued by the PPR to provide evidence of tier status on the PPR which may be tier 1 to tier 4;

“Paralegal” any person holding a Membership Tier Certificate in force granted by the PPR;

“Paralegal Services” services limited to the scope of the Paralegal Practising Certificate held by the Paralegal;

“PPR” the Professional Paralegal Register and includes any of its committees;

“Practice” a Professional Paralegal Practitioner who is a sole practitioner; two or more Professional Paralegals and/or Paralegal Practitioners in partnership; a Recognised Body, each providing Paralegal Services;

“Practising Certificate Rules” the Rules governing Paralegal Practising Certificates;

“Paralegal Practising Certificate” this may be “specified” or “general” and is issued by the PPR to a paralegal to provide certain Paralegal Services to the general public;

“Professional Paralegal Practitioner” any person holding a Paralegal Practising Certificate in force granted by the PPR;

“Qualifying Experience” the legal experience as described in this document;

“Recognised Body” a body corporate recognised by the PPR to provide Paralegal services to the public;

“Register” the official list of registered members;

“Register Regulatory Committee (RRC)” a panel of persons appointed for the purpose of hearing and deciding issues of complaint and misconduct made against Paralegals;

“Register Regulatory Committee Rules” the Rules adopted from time to time by the RRC;


“Registered Paralegal” a member of the PPR who holds a valid tier certificate;

“Regulated Paralegal” a member of the PPR who holds a valid Paralegal Practising Certificate;

“Respondent” a party against whom a complaint has been made;

## APPENDIX 2

### Tier Structure

|  |   |
|--|---|
| <b>ENTRY</b>  | 1. Must be a member of the IoP or a recognised body.  |
|  | 2. Entry into a 'Tier'  |
| <b>Tier 1</b>  | Undertaking study; not yet gained Level 3 qualification; no or very little experience (this would be ideal for legal secretaries)   |
| <b>Tier 2</b>  | Minimum Level 3 Certificate or equivalent or 2 years 'qualifying' experience or Associate Member of Member of The IoP. or equivalent (this might include members of other Recognised Bodies.) |
| <b>Tier 3</b>  | Minimum Level 6 + 2 years qualifying experience* or Graduate Member of the IoP or Equivalent.   |
| <b>Tier 4</b>  | Level 6 or above to include Paralegal Practice Skills OR LPC/BPTCC + 4 years qualifying experience**  |

\*To become a Tier 3 Professional Paralegal you must have completed at least 2 years qualifying experience either through employment or through work based learning evidenced by a portfolio. Your qualifying experience can have commenced before, during or after your training but must be complete before the appropriate tier status is applied for.

\*\*To become a Tier 4 Professional Paralegal you must have completed at least 4 years qualifying experience either through employment or through work based learning evidenced by a portfolio. Your qualifying experience can have commenced before, during or after your training but must be complete before the appropriate tier status is applied for.

Qualifying experience must be of a wholly legal nature and must be equivalent to a minimum of 18 hours a week.