



**Professional
Paralegal
Register**

PARALEGAL PRACTITIONERS' RULES 2015

Rule 1. Citation, Commencement and Interpretation

1.1 These Rules may be cited as the Paralegal Practitioners' Rules 2015 and come into force on 20th April 2015. These Rules govern and regulate Paralegals who are members of the PPR which exists to help provide confidence to the general public, Solicitors, Barristers and other employers in using the services of a professional, ethical and competent Paralegal. These Rules must be read in conjunction with the 'Code of Conduct' and the Complaints Procedure.

1.2 In these Rules:-

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;

"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;

"Continuing Professional Development" the minimum requirements of continuing education and training prescribed by these Rules;

"CPD Code" the requirements for continual professional development authorised by these Rules;

"Disciplinary Rules & Procedures"

The rules and procedures that apply to a Paralegal or Professional Paralegal Practitioner where a complaint necessitates a disciplinary action to be taken by the

Register Regulatory Committee.

“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 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 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” is 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 Professional Paralegal Practitioners;

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

RRC.

“Tier Structure”

Tier 1	Undertaking study; not yet gained Level 3 qualification; no or very little experience (this would be ideal for legal secretaries)
Tier 2	Minimum Level 3 Certificate or equivalent or 2 years ‘qualifying’ experience or Associate Member of IoP or equivalent (this might include members of other Recognised Bodies.)
Tier 3	Minimum Level 6 + 2 years qualifying experience* or Graduate Member of IoP or Equivalent.
Tier 4	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.

Rule 2. Application to Practice as a Paralegal

2.1 Any application made to the PPR under these Rules shall be submitted to the PPR by completing the relevant application form downloadable from your Recognised Body and shall be accompanied by such payment as is prescribed by the PPR from time to time.

2.2 No Applicant shall be able to practice as a Paralegal under the Register unless they fulfil the criteria set out in Rule 3.

Rule 3. Registration Conditions

3.1 An Applicant will be accepted as a Member if, to the satisfaction of the PPR:-

- (a) he has submitted a duly completed form that identifies which Recognised Body the Applicant belongs to and has paid the appropriate fee to the PPR;
- (b) he has professional indemnity insurance in accordance with Rule 6;
- (c) he is a fit and proper person to be registered as a Member having met the requirements under the Practising Certificate Rules.

3.2 To enable the PPR to make decisions under Rule 3.1, it may require the Applicant to support his application by a statutory declaration and may require the production of such other evidence as it sees fit.

3.3 The PPR shall notify the determination to the Applicant not more than 3 months following receipt by the PPR of a complete application under Rules 3.1 and 3.2.

3.4 The PPR will give reasons in writing for refusing any application.

3.5 An Applicant who has not been accepted as a Member may, within 28 days of being notified of that decision, apply in writing to the PPR for the application to be reconsidered.

Qualifying Conditions

3.6 A Member must complete his paralegal training and produce evidence to the PPR that he is doing or has done so at such times and in such form as it may require.

Annual Membership

3.7 A Member shall pay to the PPR, on such other date as the PPR shall determine in each year, such annual membership fee as the PPR may prescribe, paid by the renewal date.

Rule 4. Continuing Professional Development

4.1 Subject to Rule 4.2 a Paralegal or Paralegal Practitioner at Tier 2 or above must, in each membership year in which he holds a Membership Tier Certificate, complete the required number of hours of ongoing professional training for that level of membership, as set out in the CPD Code, or any other such amount that the PPR may require, provided by a training provider recognised as adequate by the relevant Recognised Body.

4.2 In respect of each Membership Year in which he holds a Membership Tier Certificate a Paralegal and/or Paralegal Practitioner shall inform the PPR in such

form as the PPR will prescribe, whether or not he has complied with the PPR's requirements for Continuing Professional Development as they apply to him.

4.3 The Paralegal or Paralegal Practitioner must keep evidence of their training for a minimum of six years which must be available for inspection by their Recognised Body on request. The Recognised Body must ensure that they are able to provide a copy of such training evidence to the PPR for inspection following a reasonable notification period given by the PPR.

4.4 Paralegals shall only act in accordance with their level of training and, where applicable, their Paralegal Practising Certificate, and shall not provide services which in any way go beyond their levels of competence. Competency shall be judged upon the level of training undertaken by the member in question and/or their relevant experience.

General Provisions

4.5 The PPR may refuse to renew the Membership Tier Certificate of a Paralegal may issue the Membership Tier Certificate subject to conditions where he has failed to comply with Rules 4.1 to 4.4. A Paralegal may within 28 days of being notified of that decision, apply in writing to the PPR for the application to be reconsidered by the RRC.

4.6 In an individual case the PPR may, where satisfied that the Paralegal concerned has undergone sufficient ongoing training in the current year, vary the operation of these Rules in such ways as it thinks fit.

Rule 5. Membership

5.1 No person shall be entitled to apply for a Membership Tier Certificate for the first time unless he has demonstrated to the satisfaction of the PPR, in accordance with such terms and conditions as it may prescribe, that he has the relevant educational and professional qualifications and experience in the provision of Paralegal Services and meets the Tier requirements.

5.2 Every Membership Tier Certificate shall be in such form as the PPR may prescribe.

5.3 An Applicant for a Membership Tier Certificate shall deliver or cause to be delivered to the PPR's offices:

- (a) a written and dated application in the form prescribed by and obtained from the PPR, correctly completed, signed and dated by the Applicant;
- (b) the appropriate fee as confirmed by the Fee Rules displayed on the PPR's website from time to time;
- (c) evidence that he is a member of a Recognised Body, or otherwise subject to, a scheme which has been established (whether or not exclusively) for the purpose of dealing with complaints about the provision of Paralegal Services; and
- (d) any report, certificate or other document as the PPR may require;

5.4 In addition to the requirements of Rule 5.3 an Applicant for a Professional Paralegal Practising Certificate shall deliver or cause to be delivered to the PPR's offices:

(a) email evidence of appropriate and current insurance cover as required by rule 6;
(b) where applicable, evidence that the Applicant has satisfied the requirements of Rule 5 of the Professional Paralegal Practising Certificate Rules.

5.5 An application for a Membership Tier or Professional Paralegal Practising Certificate shall be deemed to have been made on the day on which the Applicant has complied with Rules 5.3 and, if appropriate, 5.4.

5.6 In considering an application for a Membership Tier or Professional Paralegal Practising Certificate the PPR may require the Applicant to attend for interview.

5.7 If the PPR is not satisfied that Rule 5.3 or Rule 5.4 as the case may be, has been fully complied with or, with or without having interviewed the Applicant, that the Applicant is a fit and proper person to be granted a Membership Tier or Paralegal Practising Certificate, it may refuse the application.

5.8 A Paralegal must, as a condition of being issued with a Membership Tier or Paralegal Practising Certificate, comply with these Rules.

Endorsement of Membership Certificates

5.9 The Membership Tier Certificate issued to a Paralegal shall remain the property of the PPR until it has expired.

5.10 Any Membership Tier or Paralegal Practising Certificate may, at the time of its grant or subsequently, be endorsed with such conditions as the PPR thinks fit to impose. Any such conditions imposed may be removed by the PPR at its discretion at any time.

5.11 Where any conditions are imposed, amended or removed during the term of a Membership Tier Certificate, the Paralegal shall immediately, upon request, submit his Membership Tier Certificate to the PPR for endorsement, amendment or removal. The PPR shall also record in the register the endorsement or amendment of the Membership Tier Certificate, or the removal of the endorsement of a Membership Tier Certificate.

5.12 When, during the currency of a Membership Tier Certificate, the PPR agrees to the removal or amendment of all or any of the conditions imposed, those conditions shall remain effective until the Membership Tier Certificate is delivered to the PPR's offices, together with the fee payable.

5.13 When, during the currency of a Membership Certificate, the Paralegal either ceases to comply with Rule 7 or, for any other reason, ceases to be eligible to hold a

Membership Tier Certificate, he shall immediately surrender the Membership Tier Certificate and any duplicate Membership Tier Certificate issued to him by delivering them or causing them to be delivered to the PPR's offices.

5.14 A Paralegal is prohibited from representing a copy of his own duplicate Membership Tier certificate as an original (see Rule 5 of the Paralegal Practising Certificate Rules).

5.15 A Paralegal who has lost his Membership Tier Certificate may apply for a certified copy certificate from the PPR for a fee as prescribed at that time.

Fees Payable in Respect of Membership to the Professional Paralegal Register

5.16 Fees payable under the provisions of these Rules shall (unless otherwise provided) be such as are prescribed by the PPR in force at the time of application or renewal.

Rule 6. Indemnity

6.1 Members who are Tier 2 and above and who hold a Paralegal Practising Certificate shall provide the PPR with proof that they hold Professional Indemnity Insurance of at least £1 million, together with loss of documents cover sufficient to replace all client documents, that covers the areas of business in which they operate.

6.2 Each Practice, or Professional Paralegal Practitioner, shall ensure that the appropriate payment for the applicable annual premium has been made in respect of every annual Indemnity Insurance Policy and promptly provide Evidence of Insurance to the PPR.

6.3. No Membership Paralegal Practising Certificate will be issued to a Professional Paralegal Practitioner unless the applicable Evidence of Insurance for his Practice has been produced to the PPR.

6.4 The PPR shall be entitled to:-

6.4.1 Require a Paralegal Practitioner to produce to it such information as it may demand concerning any Claim;

6.4.2 Exchange information concerning any Claim with the Authorised Insurers, their representatives or the Brokers;

6.4.3 Receive notification from the Authorised Insurers or the Brokers when any Evidence of Insurance is avoided.

Rule 7. Professional Paralegal Practitioner's conduct with regard to vulnerable Clients.

7.1 Clients may be vulnerable for a number of reasons, they may be elderly, infirm, disabled, distressed or they may have a learning difficulty. This list is indicative and not exhaustive.

7.2 Professional Paralegal Practitioners must take extra care when dealing with Clients they know or objectively ought to know are vulnerable.

7.3 Professional Paralegal Practitioners must take any extra measures necessary to ensure that vulnerable Clients fully understand all aspects of any service or product they propose to provide and to ensure that Clients are making an informed and appropriate decision.

Rule 8. Clients must be helped to make their own informed decisions.

8.1 Professional Paralegal Practitioners must establish to their complete satisfaction that the Client is acting freely and is not subject to any coercion, duress or undue influence and that the Client fully understands the product or service on offer and is making an informed decision, whether that decision relates to the provision or cancellation of products or services.

8.2 Professional Paralegal Practitioners must have regard to the Mental Capacity Act 2005 when assessing whether a Client has capacity to make a decision.

8.3 Professional Paralegal Practitioners must inform Clients in writing of all the relevant implications of their decisions including, but not limited to costs, timescale and tax implications.

8.4 Professional Paralegal Practitioners should take instructions from a Client face-to-face unless the instructions relate to amendments being made to existing documents. If a Client declines face-to-face communication the Client must be informed in writing of the limitations of the proposed method of communication and of their rights under the Distance Selling Regulations 2000.

8.5 A Professional Paralegal Practitioner must not take instructions from a Client which give the Professional Paralegal Practitioner or any person connected or associated with them any benefit.

Rule 9. Accounts Rules

9.1 Professional Paralegal Practitioners shall not under any circumstances, receive or agree to hold any money on behalf of a Client save for disbursements and payment of your proper professional fees

9.2 IPW members are subject to IPW Membership Rules (see 9.0 of IPW Rules).

9.3 A Paralegal Practitioner is liable to disciplinary proceedings and sanction for failing to comply with this Rule.

Rule 10. Inspection and Disciplinary Consequences

10.1 In order to monitor compliance with these Rules, a Paralegal must, at the time and place fixed by the PPR, produce to any person appointed by the PPR all information held by the Paralegal relating to that Paralegal, (to include his records, papers, files and financial accounts) reasonably required to enable the preparation of a report to the PPR.

10.2 A report made following an inspection under Rule 11.1 may be used as part of any investigation.

10.3 If it appears to the PPR that there has been a contravention of any of the PPR's Rules, a Paralegal is liable to disciplinary proceedings and sanction.

10.4 If a complaint concerning a Member of the Professional Paralegal Register is referred to the PPR, then in accordance with the Register Regulatory Committee Rules the RRC may impose a range of sanctions to include fines, compensation up to £5,000 and/or termination of membership of the PPR. See the Complaints Procedure for a full list of possible sanctions.

Rule 11. Storage of Documents by Professional Paralegal Practitioners

11.1 Professional Paralegal Practitioners shall ensure that Professional Indemnity Insurance is in place at all times with minimum cover of £1 million together with loss of documents cover sufficient to replace all client documents held.

11.2 Professional Paralegal Practitioners who store Client documents shall do so in a fire and water resistant facility with suitable security.

11.3 The above mentioned facility may or may not be on the Professional Paralegal Practitioner's premises. The PPR shall be advised in writing of the location of the storage.

11.4 Professional Paralegal Practitioners storing Client documents shall keep and maintain up-to-date records of the documents held at their location.

11.5 Professional Paralegal Practitioners shall maintain sufficient insurance to cover the replacement value of all Client documents held. Evidence of this insurance shall be provided to the PPR.

11.6 Professional Paralegal Practitioners are entitled to charge for the storage of documents provided that Clients have been made aware of the fee for doing so beforehand.

11.7 Documents shall only be released to the following persons, upon written request, after verification of identity:

11.7.1 In the case of a Power of Attorney; to the Client or their attorney acting in accordance with the Power of Attorney itself;

11.7.2 In the case of all other documents; the Client, their attorney (acting in accordance with a valid Power of Attorney) or all of the Client's Personal Representatives, provided that the request is accompanied by the Client's death certificate.

11.8 Professional Paralegal Practitioners must provide for the free collection of documents from their premises but may charge for the delivery of documents elsewhere.

11.9 Professional Paralegal Practitioners are only entitled to deliver documents elsewhere if they are able to do so while also satisfactorily verifying the identity of the recipient. Professional Paralegal Practitioners may charge a fee to cover their reasonable costs of delivery in such cases.

11.10 Before returning any documents in storage, Professional Paralegal Practitioners are entitled to recover any unpaid storage fees and any cost of delivery.

11.11 Professional Paralegal Practitioners shall update the PPR as to the arrangements for stored documents in the event of the death, illness or incapacity of a Professional Paralegal Practitioner or the cessation of the Professional Paralegal Practitioner's Practice.

Rule 12. Advertising and Promotion

12.1 Members shall not do anything or omit to do anything which would cause the Member to be in breach of The Equality Act (2010) and all associated anti-discriminatory legislation.

12.2 Members shall comply with the legal requirements of the telephone preference service, mailing preference service and the fax preference service.

12.3 Members shall comply with statutory requirements and any relevant code of advertising including, but not limited to:

12.3.1 The British Codes of Advertising and Sales Promotion;

12.3.2 OFCOM;

12.3.3 The Advertising Standards Authority.

12.4 All business stationery and where appropriate, all advertising and marketing (including telephone sales calls) by or on behalf of the Member should include the logo of the PPR (or a statement to the effect that they are a member of the PPR) and

a statement that the Member complies with these Rules. Upon suspension or cessation or membership of the PPR, such logo or statement may not be used.

12.5 Where VAT or other taxes are applicable, any prices quoted in advertising must include such taxes or specify the amount of tax, or clearly indicate that they are subject to tax at the prevailing rate.

12.6 Where Members advertise products, services or solutions to problems, accompanying prices should be the full amount the Client might reasonably expect to pay them for providing the product, service or solution.

12.7 A copy of all advertising and marketing material must be supplied promptly to the PPR upon request.