



**Professional
Paralegal
Register**

REGISTER REGULATORY COMMITTEE RULES

Effective Date: 1st May 2023

I. BACKGROUND AND DEFINITIONS

Background

The Register Regulatory Committee (**RRC**) is a committee that regulates the governance of the Professional Paralegal Register (**PPR**) and its members.

It decides on the strategic and operational issues of the PPR.

The conduct of the RRC and its powers in respect of complaints about Members of the PPR are governed by the Register Regulatory Committee Rules (**Rules**).

The Chair of the RRC appoints a Complaints Committee to consider claims for compensation.

The RRC has the power to remove individuals from the PPR in certain circumstances.

Appeals against decisions of the Complaints Committee may be brought in the limited circumstances prescribed by these Rules. Appeals will be heard by an Adjudication and Appeals Panel appointed by the RRC.

1. Definitions

In these Rules unless the context otherwise requires:

Words in the singular include the plural and words in the plural include the singular;

“Appeal” means an appeal brought by a Member against a decision of a Complaints Committee in accordance with these Rules;

“Adjudication and Appeals Panel” means a panel to be constituted from time to time by the RRC, in accordance with Rule 10, to consider appeals;

“Chair” means the Chair of the RRC;

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

“Complaint” means a grievance brought by a Client against a Paralegal;

“Hearing Chair” means the person selected by the members of the Adjudication and Appeals Panel to act as Chair of an Adjudication and Appeals Panel hearing;

“IoP” means the Institute of Paralegals;

“Legal Adviser” means the adviser to the Adjudication and Appeals Panel, as may be appointed by the PPR;

“Member” means a member of the Professional Paralegal Register;

“PPR” means the Professional Paralegal Register;

“RRC” means the Register Regulatory Committee;

“RRC Member” means a member of the RRC appointed in accordance with these Rules and shall, where the context permits, include the Chair;

“Registered Paralegal” means a Member who does not hold a valid Paralegal Practising Certificate issued by the PPR;

“Regulated Paralegal” means a Member who holds a valid Paralegal Practising Certificate issued by the PPR.

II. OPERATION OF THE RRC

2. Membership and Remuneration of the RRC

- 2.1. The RRC shall consist of a Chair and a panel comprising not less than six other people.
- 2.2. The Chair of the RRC is appointed by the Directors of the PPR.
- 2.3. RRC Members may include lay persons and legally qualified members.
- 2.4. The appointment of further RRC Members shall be made by the existing RRC Members in consultation with the PPR.
- 2.5. A vacancy in the office of Chair or of a member of the RRC shall automatically occur:
 - a. Two years from the date of appointment unless re-elected by a majority of the RRC. Re-election shall create an appointment for a further 2-year period at the end of which period a vacancy shall occur (subject again to the possibility of re-election);

- b. on their death;
 - c. on the acceptance by the PPR of their written resignation;
 - d. on their becoming a staff member or Director of the IoP;
 - e. if they are convicted of a criminal offence involving fraud, dishonesty or deception or an indictable offence which has not been spent by virtue of a period of rehabilitation without offending under the Rehabilitation of Offenders Act 1974;
 - f. if they are adjudged bankrupt, are the subject of bankruptcy restrictions order or make a composition or arrangement with their creditors; and/or
 - g. if they lack capacity (within the meaning of the Mental Capacity Act 2005) and powers in relation to sections 15-20 or section 48 of that Act have been exercised in relation to them.
- 2.6. RRC Members may be removed from office by resolution passed in the following way:
- a. at a special meeting of all of the RRC Members;
 - b. the RRC Member who it is proposed is to be removed may appear in person at the meeting together with a nominated representative of their choice, but such RRC Member shall not be entitled to vote on their potential removal;
 - c. the RRC (other than the person in question) shall then determine whether the RRC Member is to be removed by way of secret ballot; and
 - d. all remaining RRC Members must vote in favour of removing the RRC Member before the RRC passes a resolution to remove that RRC Member, failing which the RRC Member in question will not be removed.
- 2.7. Where a vacancy occurs, it shall be filled as soon as possible in accordance with this Rule 2.
- 2.8. If there is a vacancy in the office of Chair or if the Chair is unable or unwilling to act within a reasonable time, another member of the RRC (as determined by the RRC Members in attendance at any meeting at which such issue is raised) shall act in their place.

3. Remuneration of the RRC

- 3.1. The appointment of all RRC Members is on a voluntary basis.
- 3.2. The PPR will pay the reasonable out-of-pocket expenses of RRC Members, such expenses to be reviewed periodically by the PPR and determined from time to time by the PPR.

4. Meetings of the RRC

- 4.1. The Chair may determine the place, time and date of a meeting for any purpose connected with the affairs of the RRC. Meetings of the RRC may take place by video conference or telephone conference, in addition to taking place in person.

- 4.2. The Chair shall convene a meeting of the RRC by giving not less than 14 nor more than 28 days' written notice to the other RRC Members. Such notice may be given to the RRC Members on behalf of the Chair by the PPR.
- 4.3. The Chair shall, on receipt of a request in writing from not less than three other RRC Members (**Request**), convene a meeting to take place under Rule 4.2. If the Chair fails to give notice under that Rule within 14 days of receipt of a Request, the persons demanding the meeting may give notice of a meeting under that Rule.
- 4.4. Any meeting notice under Rule 4.2 shall include a meeting agenda.
- 4.5. The quorum for the purposes of RRC meetings shall be three and resolutions passed at these meetings shall require a simple majority of votes. The Chair of the RRC shall not be entitled to vote unless only two votes are cast, and no agreement is reached. In such an event, the Chair will have the casting vote.
- 4.6. The RRC shall meet a minimum of twice during each calendar year.

III. COMPLAINTS

5. Complaint Handling

- 5.1. The RRC decides complaints about Members of the PPR, including Registered and Regulated Paralegals.
- 5.2. Save where otherwise permitted by Rule 6, the RRC appoints a Complaints Committee to investigate a Complaint in accordance with Rule 7.
- 5.3. The RRC appoints an Adjudication and Appeals Panel to adjudicate in respect of appeals brought against a decision of a Complaints Committee in accordance with Rule 10.

6. Summary Dismissal of a Complaint

- 6.1. When the PPR receives a Complaint about a Member that falls within the remit of the RRC, it shall follow steps 1 to 18 of the Complaints Procedure.
- 6.2. The PPR shall notify the Chair of the RRC in writing within 7 calendar days of completion of step 9 of the Complaints Procedure.
- 6.3. The Chair of the RRC may (but does not have to) summarily dismiss or discontinue all or part of a Complaint if, in their opinion:
 - a. The Complainant has failed to comment on the Member's response submitted in accordance with step 5 of the Complaints Procedure and it may be reasonably concluded that the Complaint has been abandoned;
or
 - b. It does not have any reasonable prospect of success; or

- c. The Complainant has not suffered (and is unlikely to suffer) significant financial loss, distress, inconvenience, or detriment; or
 - d. The Member has already offered fair and reasonable redress in relation to the circumstances alleged by the Complainant, which has either already been accepted by the Complainant or remains open for acceptance at the time the complaint is submitted to the PPR; or
 - e. The Complainant has previously complained about the same issue to the PPR (unless the Chair considers that material new evidence, likely to affect the outcome, only became available to the Complainant after the RRC's prior decision was made); or
 - f. It is not practicable to investigate the issue fairly because of the time that has elapsed since the alleged act or omission took place; or
 - g. It is frivolous or vexatious; or
 - h. It would not be a proportionate use of the RRC's time to investigate the complaint, due to the likely impact or due to its complexity, the amount of evidence provided, or due to the conduct of the Complainant during the investigation; or
 - i. The Chair considers that there has been undue delay in the Complainant raising the complaint.
- 6.4. If the Chair dismisses the Complaint in accordance with this Rule, they must notify the PPR within 7 days of receipt of its notification and provide a written explanation for the summary dismissal.

7. Complaints Committee

- 7.1. Within 7 days of receipt of the PPR's notification, the Chair shall appoint a Complaints Committee to investigate the Complaint, unless the complaint is summarily dismissed in accordance with Rule 6.
- 7.2. Each Complaints Committee shall have three members and its constitution shall be decided on a case-by-case basis.
- 7.3. The members of the Complaints Committee shall be appointed from the RRC Members and any pool of adjudicators that may be designated by the RRC from time to time for the purposes of resolving complaints.
- 7.4. The Chair may not be appointed to any Complaints Committee.
- 7.5. No decision of a Complaints Committee shall be made unless all three members of the Complaints Committee constituted in accordance with Rule 6 are present (whether in person or online).

8. Complaints Committee Powers

- 8.1. If a Complainant complains about a Registered Paralegal, a Complaints Committee may make one or more of the following decisions:
- a. dismiss the complaint;
 - b. order the Registered Paralegal to repay some or all of the costs paid;

- c. order the 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);
 - d. impose a penalty of up to £500 on the Registered Paralegal;
 - e. order the Registered Paralegal to rectify any error at their own expense;
 - f. issue a written caution or reprimand to the Registered Paralegal;
 - g. suspend the Registered Paralegal, pending further enquiries;
 - h. institute further investigation; and/or
 - i. publicise any sanction or fine on the Register.
- 8.2. If a Complainant complains about a Regulated Paralegal, a Complaints Committee may make one or more of the following decisions:
- a. dismiss the complaint;
 - b. order the Regulated Paralegal to repay some or all of the costs paid by the Complainant;
 - c. 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);
 - d. impose a penalty of up to £5,000 on the Regulated Paralegal;
 - e. order a Regulated Paralegal to rectify any error at their own expense;
 - f. issue a written caution or reprimand to the Regulated Paralegal;
 - g. suspend the Regulated Paralegal, pending further investigation;
 - h. institute further investigation (including appointing appropriately qualified investigator(s));
 - i. access the compensation fund; and/or
 - j. publicise any sanction or fine on the Register.
- 8.3. Decisions of the RRC shall be promptly notified in writing to both the Complainant(s) and the Member(s) involved, such notification to include reasons for the decision.

9. Appeal Procedure

- 9.1. Subject to the provisions of Rule 9.2, any Member or Complainant who is aggrieved in respect of a decision of a Complaints Committee may bring an appeal (**Appeal**) against such decision by giving written notice to the PPR.
- 9.2. An Appeal may be brought if the following criteria is met:
- a. There was a material irregularity (an administrative or procedural error) in the handling of the Complaint by the Complaints Committee;
 - b. There is new and relevant evidence to support the Appeal that was not available at the time the Complaint was brought and could not reasonably have been provided at the time when the Complaint was submitted.

- 9.3. An appeal must be submitted to the PPR within 28 calendar days of the date of notification of the decision of the Complaints Committee to the Member or Complainant. Appeals received outside this timeframe will be deemed to be submitted out of time unless the Member or Complainant is able to demonstrate a good reason, supported by independent evidence, for their delay.
- 9.4. Written notice by a Member or Complainant of their request for an appeal by the RRC must be sent to: [add up to date email address].
- 9.5. Notice of an intention to submit an appeal given within the timeframe prescribed in this Rule 9 shall not be deemed to be an adequate substitute for submission of an appeal in accordance with Rule 9.3. The timescales prescribed in the Appeal procedure will begin to run once an Appeal has been submitted to the PPR in accordance with Rule 9.3.
- 9.6. The PPR will conduct an initial assessment of all Appeals received to determine whether the Appeal meets the criteria for an Appeal under the Rules. If the PPR determines that the Appeal criteria has not been met, the Appeal will be rejected within 7 calendar days of receipt of the Appeal, together with reasons for the decision.
- 9.7. The final decision of an Adjudication and Appeals Panel shall be binding upon the Member(s) and Complainant(s).

10. Adjudication and Appeals Panel

- 10.1. When the PPR receives an appeal that falls within the scope of the appeal criteria established by the RRC (**Appeal**), as set out at Rule 9.2, it shall notify the Chair of the RRC in writing within 7 calendar days.
- 10.2. The Chair of the RRC shall appoint an Adjudication and Appeals Panel to investigate the Appeal within 7 calendar days of receipt of the PPR's notification.
- 10.3. Each Adjudication and Appeals Panel shall have three members and its constitution shall be decided individually.
- 10.4. The members of the Adjudication and Appeals Panel shall be from the RRC Members and the members of any pool of adjudicators that may be designated by the RRC from time to time.
- 10.5. No member shall sit on an Adjudication and Appeals Panel if they sat on the Complaints Committee whose decision is the subject of the Appeal.
- 10.6. The Chair may be appointed to an Adjudication and Appeals Panel.
- 10.7. No decision of an Adjudication and Appeals Panel shall be made unless all three members of the Adjudication and Appeals Panel constituted in accordance with Rule 10 are present (whether in person or online).

11. Powers of Adjudication and Appeals Panel

11.1. The Adjudication and Appeals Panel may, when determining a complaint, whether at a hearing or based on documents only:

- a. Approve a decision of a Complaints Committee.
- b. Vary a decision of a Complaints Committee to:
 - i. Impose a different penalty (which must not exceed £5,000).
 - ii. Order condition(s) or different condition(s) be imposed on a Member's Membership Certificate which must be complied with by such Member.
 - iii. Order that the Member in question be suspended as a Member for a defined period.
 - iv. Order that the Member's membership be terminated permanently.
 - v. Issue a written caution or reprimand.
 - vi. Order the Member in question to pay a different amount of compensation to the Complainant, up to £5,000.
 - vii. Order the Member in question to pay any costs incurred by the PPR and/or the Complainant in respect of the hearing.
 - viii. Order the Member to rectify any or any further error identified, at their own expense, within such time period as the Adjudication and Appeals Panel determines to be reasonable on a case-by-case basis.
 - ix. Order that no action is appropriate against the Member.

11.2. All decisions of the RRC shall be promptly notified in writing to both the Complainant(s) and the Member(s) involved, such notification providing reasons for the decision.

12. Adjudication and Appeals Panel Hearings

12.1. At the direction of the Chair of the RRC, a hearing before an Adjudication and Appeals Panel may take place to determine an Appeal.

12.2. When the Chair of the RRC appoints an Adjudication and Appeals Panel and directs that a hearing shall take place, the Chair of the RRC shall select the Hearing Chair and at least two other panel members to constitute the Adjudication and Appeals Panel for the purpose of that hearing. At least one of the members of any Adjudication and Appeals Panel shall be a Member

of the PPR who can demonstrate independence from the subject of the Complaint. The Hearing Chair shall determine the date, time and place for the hearing and notify the PPR.

- 12.3. When they direct that a hearing be convened as provided by Rule 12.1, the Hearing Chair may at that time also select a Legal Adviser to attend the hearing to advise the Adjudication and Appeals Panel.
- 12.4. Without prejudice to any restriction that would apply under the general law, a person who acted in relation to any case that is the subject of the Complaint under consideration in any capacity shall not be eligible to act in relation to that case as an Adjudication and Appeals Panel member.
- 12.5. The PPR shall, as soon as reasonably possible after notification that a hearing will take place, send notice of the hearing to the appropriate parties in the manner prescribed in the **Complaints Procedure**.
- 12.6. If the Hearing Chair directs that a new hearing date be fixed for the purposes of a preliminary meeting or to hear or continue to hear and determine the matter before them, the Hearing Chair shall determine the date, time and place for the hearing and notify the PPR.
- 12.7. The PPR shall, as soon as reasonably possible, send notice of the hearing to every member of the Adjudication and Appeals Panel, the appropriate parties and the Legal Adviser in the manner prescribed in the Complaints Procedure.
- 12.8. The process set out in this Rule 12 shall be applied (as appropriate) in relation to any appeal against a decision made by a Complaints Committee in accordance with Rule 9.