



Draft Strategy for Legal Services Regulation and Draft Business Plan 2021-22

Consultation response by: The Professional Paralegal
Register (PPR)

5th February 2021

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 in relation to the three strategic themes that the LSB have identified.

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 the issues raised in this consultation.

For more information on the PPR please visit <http://ppr.org.uk>

Introduction

8. The PPR agrees that it is important that a collaborative approach amongst key stakeholders to ensure that the strategy for legal services regulation moving forwards is fit for purpose for future generations.

9. The consultation seeks inputs on the draft strategy for legal services regulation and the LSB draft business plan.

Consultation Questions:

Q1. Do you have any comments on the three strategic themes that we have identified?

The PPR considers that the three strategic themes go to the heart of consumer expectations for legal services.

The legal profession must work collaboratively to offer better services to ensure that fairer outcomes can be achieved for all.

There is much evidence that before, during and after the event legal advice and assistance is accessible for all, especially for disadvantaged groups and for those without means.

The PPR provides a robust regulatory scheme for otherwise unauthorised providers of legal services, which enables consumers to have a stronger confidence when choosing a Paralegal.

Q2. Do you have any comments on the nine challenges that we have identified for the sector?

The PPR acknowledges that the identified challenges represent a long-term change in how the legal sector must adapt to ensure it meets the need and expectations of consumers for high quality and affordable legal services for all. The PPR strives to ensure that those Paralegals that are regulated by the scheme, provide high quality legal services whilst maintaining strong professional ethics under its practising rules.

Q3. How can you/your organisation contribute to overcoming the sector-wide challenges we have identified?

The Paralegal profession can assist with lowering unmet legal need by providing cost effective services, whilst maintaining standards set by the PPR.

Whilst the Paralegal sector is not subject to statutory regulation, the PPR is closing the gap in consumer protection by providing independent redress.

Q4. Do you have any comments on the suggested areas of priority for the sector 2021-24?

The PPR believes that as a priority the LSB does need to play a more active role in public policy issues if it is to succeed in lowering unmet need. Whereas we agree that financial barriers are not the only issues that need addressing, they are the most universally suffered.

In increasing diversity and inclusion, it is important to seek evidence and acknowledge that the PPR offers opportunities into the profession that currently do not exist in other strands of the legal profession.

The PPR would welcome further research into possible solutions to ensure legal professionals remain competent.

The PPR agrees with the priorities outlined to close the gaps in consumer protection. It is essential that unregulated providers, who are sufficiently trained and have volunteered to sign up to an external redress system, can continue to offer much needed cost-effective legal services.

Q5. Do you agree with our proposal to pursue these workstreams? Is there anything missing that you think we should focus on in 2021-22?

The PPR agrees with the proposed workstreams, however, it does appear to be very ambitious.

The scope of regulation is vitally important as the unregulated sector must offer suitable redress for consumers.

The term 'Paralegal' is unprotected and the PPR would welcome discussions to define, for consumers benefit, those who are suitably qualified and regulated by the PPR.

The PPR works with the Institute of Paralegals, who set the competency standards for the paralegal profession, both of whom would like to see this work taken forward.

A national register, such as the PPR, makes it less confusing for consumers to make an informed decision.

We believe that the workstreams for legal support for small businesses and vulnerable citizens sits in the public legal education arena, although we can see that regulators need to contribute to better information for all citizens.

Q6. Do you see any areas of joint working between the LSB and you/your organisation?

The PPR has been privileged to work with the LSB and the independent Consumer Panel since our inception.

The PPR is keen to continue to contribute to market study research and to explore opportunities for the LSB to provide 'oversight authority' for the PPR to become the National Register for unregulated providers.

Q7. Do you agree with our proposals that we should not undertake a statutory review of reserved legal activities in 2021-22?

Yes. In light of the work being carried out by the MoJ in relation to Professor Stephen Masons recommendations, it would appear that this activity is for the time being redundant.

Q8. Do you have any comments on our proposed market intelligence work? Is there anything missing that you think we should focus on?

Paralegals are the largest and fastest growing sector of legal service providers. The future model for regulation will need to ensure it maintains the benefits of including the specialist Paralegal, who can often offer more affordable professional advice, by delivering consumer protection through the PPR. Regulation based on authorised activities as opposed to professional title would provide a tailored and proportionate regulatory framework.

Q9. Do you have any comments on our proposed budget for 2021/22?

The budget appears to be appropriate in-line with previous budgets.

Q10. Do you have any comments regarding equality issues which, in your view/experience, may arise from our proposed business plan for 2021/22? Are there any wider equality issues and interventions that you want to make us aware of?

The PPR has no comments to raise.