



The Scottish Parliament
Pàrlamaid na h-Alba

Siobhian Brown MSP
Minister for Victims and Community Safety
Scottish Government
St Andrew's House
Regent Road
Edinburgh
EH1 3DG



Ref: DC-BD16823

14 December 2023

Dear Siobhian,

Victims of McClures Solicitors

I am writing in relation to the above matter.

I recently hosted a meeting in the Scottish Parliament on Thursday 30 November, with the Victims of McClures Action Group. There was great deal of interest from fellow MSP colleagues and Researchers also.

Earlier that day, I had the opportunity to raise the matter at First Minister's Questions, with the Deputy First Minister responding on the occasion. Ms Robison suggested that the Regulation of Legal Services (Scotland) Bill will afford the opportunity to make improvements to the regulation of legal firms. There is also the Trusts and Succession (Scotland) Bill, which passed by the Scottish Parliament this week.

At the meeting in question, the Action Group raised a number of significant concerns over the practices of McClures. I understand that Jones Whyte- who were the acquiring firm- believe that across the UK around 100,000 clients have been impacted in this matter. Given that McClures were originally a West of Scotland based firm before expanding across the UK, there will be a substantial number of residents in Scotland impacted.

The Action Group estimate that only 3,000 clients of the 100,000 clients affected are aware of the issues.

I have written to both the Scottish Legal Complaints Committee (SLCC) and the Law Society of Scotland. I have included copies of both letters for your information. I would appreciate your consideration and comments on the various points raised in the two letters.

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One area of particular concern is the additional strain on the SLCC, given that any client who is dissatisfied by the service or conduct of McClures is being advised to make a complaint to the SLCC. I know that the SLCC will progress any service complaints, while any conduct complaints would need to be passed to the Law Society of Scotland for them to take forward.

Given the substantial number of clients affected in Scotland, I am keen to know whether the SLCC has the capacity to investigate and progress such a large number of complaints. If not, I would welcome consideration on what supports can be offered so that the complaints that invariably come in going forward can be appropriately managed.

A further concern is whether the clients affected are being notified as is the expectation of the Law Society of Scotland. Also, when clients are having to remedy matters, there are reports of excessive fees being charged, leaving clients further out of pocket. I would be interested to know whether the Scottish Government feel there should be constraints on professional charges for such services.

In addition, whether there is a lack of appropriate powers for both the SLCC and the Law Society of Scotland to proactively investigate patterns of behaviour that include incompetence, negligence and malpractice of both legal individuals and firms.

I would draw your attention to the following extract of the representation I have made to the Law Society of Scotland:

'When assessing a number of complaints, where the Law Society of Scotland see a pattern of behaviour emerging- be that institutional malpractice or potential criminality- can I ask if the Law Society of Scotland would pass details on to Police Scotland for further investigation? It is my understanding that when clients approach Police Scotland that they are referred back to the Law Society of Scotland. Is it possible alleged criminality may therefore go un-investigated? I would urge the Law Society of Scotland to meet with Police Scotland to determine how any alleged allegations of criminality are best investigated.'

How does the Scottish Government assure itself that any allegations of criminality are fully investigated as opposed to left in limbo between the Law Society of Scotland and Police Scotland?

I would be keen for the Scottish Government to consider what knowledge and expertise advice bodies such as Citizens Advice Scotland, Advice Direct Scotland, may have on this matter. While ultimately clients will very likely need legal advice, it would be desirable for such advice bodies to have a degree of knowledge and expertise for those who approach them in the pursuit of remedial actions and justice.

I would ask how the Scottish Government will seek to offer any assistance it can to support clients and their families living in Scotland. I would also ask that the Scottish Government continue to support both the Scottish Legal Complaints Commission and the Law Society of Scotland, as they look to review the complaints they receive. Furthermore, for the Scottish government to consider if any further legislative changes are required, to ensure that such practices seen on this scale do not happen again.

Please treat this correspondence as joint representation with my colleague Marie McNair MSP who also has impacted constituents, shares my concerns and attended the said briefing I have referred to. Marie would welcome a response to this correspondence.

I would welcome the opportunity to meet with you, to discuss these matters further in the new year.

Thanks for your assistance in these matters and I look forward to hearing from you.

Yours sincerely,

A handwritten signature in black ink that reads "Bob Doris". The letters are cursive and fluid, with a small dot above the 'i' in Doris.

Bob Doris MSP

MSP for Glasgow Maryhill and Springburn constituency (SNP)