

## SRA statement

# WW&J McClure and Jones Whyte

28 January 2025

We are continuing to deal with outstanding issues related to work and clients of the former firm WW&J McClure Ltd (McClure) which entered administration in 2021.

McClure had offices in Scotland, England and Wales, serving a significant number of clients in work such as family protection trusts (FPTs), wills, deeds and powers of attorney. Because it had offices in Scotland, England and Wales, it was regulated by both us and the Law Society of Scotland.

The information on this page focuses on the position relating to former clients of McClure who were dealing with one of the firm's **English or Welsh** offices. Former clients of any of McClure **Scottish offices** should refer to the [Law Society of Scotland's website](https://www.lawscot.org.uk/news-and-events/law-society-news/mcclures-jones-whyte-faqs/) [https://www.lawscot.org.uk/news-and-events/law-society-news/mcclures-jones-whyte-faqs/] for further information.

The work in progress and certain assets of McClure were transferred to Jones Whyte by the administrators in 2021 when McClure went into administration. Clients could choose – and can still choose – to take their file back and not have Jones Whyte act for them. However, the majority of McClure clients have had their files transferred to Jones Whyte.

Jones Whyte is regulated by us for its work in England and Wales, and by the Law Society of Scotland for its work in Scotland.

Making sure former clients of McClure get the quality of service we expect from a firm that we regulate is a priority. We are concerned that it is taking too long to deal with all of the issues arising from McClure and that too many former clients are experiencing stress and frustration arising from delay and uncertainty.

Concerns have been raised by former clients of McClure, the families of former clients, elected representatives and consumer groups. We are investigating these concerns in partnership with a number of other agencies in England and Scotland, including the Legal Ombudsman in England, the Law Society of Scotland and the Scottish Legal Complaints Commission.

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[Concerns with Jones Whyte](#)

Jones Whyte, based in Glasgow, took on the work in progress and certain assets of McClure in April 2021 when the latter went into administration. Some former clients of McClure still need to be contacted and response times appear to have been slow in too many cases.

We are aware that the handover process has not been carried out to the standards we and clients would normally expect.

Jones Whyte has provided a formal written compliance plan including appropriate undertakings. This involves challenging specific deadlines and close monitoring of progress.

The first part of the plan has been delivered - completing a review of remaining family protection trust clients matters by 31 December 2024. Other elements of the plan include:

- acting on client instructions promptly and prioritising contact, as needed, with clients to make sure their interests are protected
- returning any residual balances of client money by 30 April 2025

The agreement includes professional undertakings to provide fortnightly updates on progress. We will keep the position under close review and take whatever regulatory action we consider appropriate to make sure that consumer interests are protected.

The compliance plan aims to protect client interests. If direct regulatory action is appropriate, we will take it but at present in our judgment the approach we are taking is more likely to produce a better outcome for former clients of McClure. That position could change quickly.

## **Ongoing work**

Some clients paid McClure an upfront fee to cover ongoing work. Following McClure entering administration it was no longer able to deliver that ongoing work.

The Legal Ombudsman is an independent body that has a different remit to us - it deals with service complaints about law firms and it can direct firms to put things right.

The Legal Ombudsman has started looking into cases involving Jones Whyte dealing with ongoing matters following McClure entering administration. This includes concerns around poor service and charges for work.

If you are a former client of McClure and you are not happy with the level of service you are receiving from Jones Whyte, you should complain to Jones Whyte first. If you are still not happy, you should complain to the Legal Ombudsman.



You are not obliged to instruct Jones Whyte to take on your work - you can request the return of your file and can look for a different legal advisor or firm.

We provide further details below about complaining to the Legal Ombudsman under 'Poor standard of service'.

## **Obtaining your file**

As a client or representative of a client you can contact Jones Whyte the firm directly in writing asking for your file to be returned to you.

## **Conduct complaint**

Our role is to uphold standards and protect the public using, where appropriate, a range of powers. If you feel that Jones Whyte, in dealing with your matter, has breached our [Standards and Regulations](https://media.sra.org.uk/solicitors/standards-regulations/) in any way, you can make a complaint to us through this form.

[Reporting a solicitor complaint form](https://media.sra.org.uk/consumers/problems/report-solicitor/)

Where we find evidence of serious misconduct, we will take action to protect the public by seeking to restrict or stop solicitors from practising.

In Scotland, you can make a complaint to the [Scottish Legal Complaints Commission](https://www.scottishlegalcomplaints.org.uk/). Any eligible conduct complaints will be passed to the Law Society of Scotland for investigation.

## **Concerns with McClure**

We have investigated and gathered evidence on a range of issues involving McClure. In particular, we have looked at its work on family protection trusts (FPTs), including potential mis-selling and the quality of advice given to clients.

Whenever we find evidence of misconduct, we look at what action is needed, if any, to protect the public by seeking to restrict or stop solicitors from practising.

However, the former partners of WW&J McClure are no longer on our Roll of Solicitors in England and Wales. This means we are unable to take any enforcement action against them. Therefore any concerns we find will lie on file, and if the former partners applied to rejoin the profession, we would then decide if any action was needed

At this stage, there is nothing to suggest that other solicitors who worked at McClure, whom we still regulate, were involved in potential

misconduct. If any evidence comes to light that suggests otherwise, we will investigate and take action where necessary to protect the public

## **Help for clients seeking redress**

We know that some former clients of McClure believe they have a claim for financial redress because they are unhappy with the services they have received.

While there is an SRA Compensation Fund, it deals with money that goes missing, or is lost due to dishonesty. It does not cover redress linked to potential service issues or negligence.

We have set out here the potential avenues for redress in cases linked to poor service or negligence.

## **Poor standard of service**

If you dealt with a McClure office in England or Wales and feel you have received a poor standard of service from McClure, Jones Whyte or any other law firm, you should make [a complaint to the Legal Ombudsman](https://www.legalombudsman.org.uk/for-consumers/factsheets/complaining-about-closed-service-providers/) [https://www.legalombudsman.org.uk/for-consumers/factsheets/complaining-about-closed-service-providers/]. The Legal Ombudsman's service is free, you do not need any legal representation to make a report, and it can support you to make your complaint. It will assess each case on its individual merits, and can direct law firms to make remedies such as refunds or compensation.

Complainants should note that the Legal Ombudsman will consider whether there has been 'inadequate professional service' or 'poor service', which is a lower bar than negligence.

Those who dealt with an office in Scotland should make [a complaint to the Scottish Legal Complaints Commission](https://www.scottishlegalcomplaints.org.uk/) [https://www.scottishlegalcomplaints.org.uk/].

## **Negligence**

Alternatively, if you consider that McClure has been negligent, clients or their representatives can make a claim against the firm's indemnity insurance, which was provided by the [Law Society of Scotland's Master Policy](https://www.lawscot.org.uk/for-the-public/client-protection/how-solicitors-are-insured/) [https://www.lawscot.org.uk/for-the-public/client-protection/how-solicitors-are-insured/].

Clients should make a claim directly to Lockton, the brokers responsible for providing professional indemnity cover under The Law Society of Scotland Master Policy. Lockton can be contacted via 0131 345 5599 or masterpolicyteam@uk.lockton.com.

If you believe that Jones Whyte has been negligent, then you must direct your claim to Jones Whyte in the first instance, and not to Lockton.