

# PE2061/K: Require solicitors to ensure capacity of vulnerable individuals by having a medical professional co-sign legal documents

## Law Society of Scotland written submission, 9 December 2024

Thank you for your letter of 8 November 2024 regarding the above petition. You requested information on the number of applications made to the Client Protection Fund in each of the past 5 years, and the outcomes of those applications.

### Analysis of claims 2019-2024

Year (1/11 to 31/10)	New Claims Received	Outcomes
2019/2020	11	<ul style="list-style-type: none"><li>• 6 Paid</li><li>• 5 Rejected</li></ul>
2020/2021	6	<ul style="list-style-type: none"><li>• 1 Paid</li><li>• 4 Rejected</li><li>• 1 Withdrawn</li></ul>
2021/2022	7	<ul style="list-style-type: none"><li>• 3 Paid</li><li>• 1 Rejected</li><li>• 3 Withdrawn</li></ul>
2022/2023	9	<ul style="list-style-type: none"><li>• 2 Paid</li><li>• 3 Rejected</li><li>• 4 Ongoing</li></ul>
2023/2024	14	<ul style="list-style-type: none"><li>• 2 Paid (1 in 2024/2025)</li><li>• 1 Rejected (in 2024/2025)</li><li>• 11 ongoing</li></ul>

Please note that, line with your request, the above figures represent all claims made to the fund within the time frame identified- we have not attempted to identify claims relating to capacity issues. We could, if requested, provide some further data on the breakdown on the types of claimants – eg: individuals, solicitor firms, companies, other professionals etc.

### Ongoing Claims

Claims have been described as “ongoing” where a decision on the claim is outstanding. This can be for various reasons including that:

- The client accounting position is still to be determined by the Judicial Factor
- Further information is required from claimants
- Outcomes of insurance and other litigation awaited

## **Further information regarding the Client Protection Fund**

The Scottish Solicitors' Guarantee Fund trades as the Client Protection Fund. The Scottish Solicitors' Guarantee Fund exists to protect clients who have lost money because of the dishonesty of a solicitor or a member of their staff. The fund is paid for entirely by solicitor firms without the use of taxpayer money from government. The fund was created by statute under section 43 of the Solicitors (Scotland) Act 1980.

The Law Society of Scotland's Client Protection Sub-committee has delegated authority for all claims and investment decisions. It further delegates minor claims to the Director of Financial Compliance, with these decisions being sample checked by the sub-committee regularly.

The fund's annual report and financial statements for the year ended 31 October 2023 are available here: [2023-ssqf-accounts-final-signed-lsdocx.pdf](#)

Further information about the Client Protection Fund is available on our website: [Client Protection Fund | Law Society of Scotland](#)

I hope that the above information is helpful to the Committee. If we can be of further assistance, please do not hesitate to contact me.