
Guidance Note

Vulnerable Consumers



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Costs Lawyer Standards Board

CLSB



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1. The concept of consumer vulnerability has many dimensions. It might be permanent or transitory. It might stem from a characteristic of the individual or it might stem from the circumstances a person is experiencing at a particular time.
 2. This guidance note aims to help Costs Lawyers identify vulnerability in their clients, gives examples of how to make adjustments to help, and provides a list of resources that may be useful in deciding how best to respond to the needs of a vulnerable client.

Why does vulnerability matter?

3. The Legal Services Act 2007 defines eight regulatory objectives. These include improving access to justice, and protecting and promoting the interests of consumers of legal services.
4. Access to legal services – access for everyone – is important. This includes access to legal advice about costs. Without access, people may not be able to exercise their rights or be heard. Protecting the users of legal services, and maintaining confidence in using legal services, means the market works better for everyone.
5. Principle 6 of the [Costs Lawyer Code of Conduct](#) requires Costs Lawyers to treat everyone with dignity and respect. Taking account of the particular needs of your clients is part of what you need to do to meet this requirement.
6. You may also have relevant obligations under other legislation, for example:
 - avoiding unlawful discrimination as required by the Equality Act 2010; and
 - complying with The Mental Capacity Act 2005 by, if you think a client or potential client lacks capacity, assessing their capacity prior to taking any instructions.

What is vulnerability?

7. Some personal circumstances, such as illness or disability, may make a person vulnerable and put them at a disadvantage when buying legal services. Distressing

life events such as a divorce or bereavement can impact on a person's ability to make decisions, as can stress caused by worrying about money. This is likely to be particularly relevant for lawyers who specialise in costs. A low level of experience in dealing with legal issues or trouble understanding complex documents or processes may also mean people are vulnerable when buying legal services.

8. The Legal Services Consumer Panel suggests that the following individual characteristics are risk factors for vulnerability:

Age	Low income
Inexperience	Low literacy
Learning disabilities	Cultural barriers
Physical disabilities	Mental health issues
English or Welsh as a second language	Health problems
Location	Being a carer
Lack of internet access	Leaving care
Lone parent	Bereavement
Loss of income	Relationship breakdown
Living alone	Release from prison

9. This is an illustrative, not an exhaustive, list. It highlights relevant characteristics and circumstances that might point to a person being vulnerable. There are other factors that could be added such as, for example, dependency on someone else for care or housing or money, sensory impairments, experiencing a form of abuse, or suffering from an addiction.
10. Not everyone with one or more of the risk factors listed above will be vulnerable, but they may be more likely to have additional needs when buying legal services. Costs Lawyers should take action to meet these needs so that their clients are able to make effective decisions and look after their own interests.
11. In addition to the individual risk factors listed in the table above, the Legal Services Consumer Panel also considers that the very nature of legal services adds additional factors that are relevant to most individuals seeking legal advice:

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- there is a big knowledge gap between members of the public and legal professionals;
 - people often need legal advice when they are experiencing stressful difficulties;
 - it can be hard for people to judge the quality of legal services, even after they have received them.
12. People will not often identify with a label of “vulnerable” or self-identify as vulnerable. It will therefore rarely be appropriate for you to use the label of “vulnerable” in your dealings with clients or other people. Instead, first focus on exploring and understanding the circumstances of people who come to you for advice, and then think about how you should respond to any factors that might indicate you are dealing with a vulnerable person.

Working with vulnerable people

13. Once you are aware of risk factors, you should think about ways to make sure a client can:
- explain what they want and give you instructions;
 - understand your advice;
 - act on your advice.
14. In order to do this, you should think about how best to meet your client’s particular needs. For example, consider whether your client needs:
- help to access your services, for example to overcome difficulties around physical limitations, hearing or sight;
 - different ways to communicate with you;
 - to be in an environment suitable for them, for example free from noise or distractions or with adjusted lighting;
 - help to understand you, for example simple summaries of key points, more verbal explanations, or an advocacy service or interpreter.

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15. Other things to think about include whether a person:
- is able to access the internet, including your website, or deal with electronic communications;
 - needs you to be particularly flexible about appointment times, including whether remote meetings might be helpful or unhelpful;
 - has really understood your client care letter, advice and information about the cost of your services;
 - needs you to allow extra time so you can check understanding or give explanations in a different way, or allow them time to take breaks or rest;
 - needs you to find other people to help such as sign language interpreters or deaf-blind communicators;
 - needs to be able to speak to you and cannot make requests or complaints in writing.
16. The lists above do not, of course, cover all the ways you might need to take action to help someone who may be vulnerable – they are examples of the types of ways you might need to help.

Key points

17. Key points to take away from this guidance are:
- be aware of the kinds of factors that should alert you to think about vulnerability;
 - explore your client's circumstances and do not expect them to self-identify as vulnerable;
 - once you are aware of risk factors, take action to meet your client's particular needs.

More resources

[The Advocate's Gateway](#)

[Age UK](#)

[Alzheimer's Society](#)

[Equality and Human Rights Commission – Guidance for businesses](#)

Foundation for People with Learning Disabilities

General Medical Council – Learning disability resources

Legal Services Consumer Panel – Guidance on vulnerable consumers

Mencap

Mental Capacity Act Code of Practice

Mind

National Autistic Society

RNIB

Royal Association for Deaf People

Sense

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