Locksley Law
Solicitors

Vulnerable Client Policy

Introduction

This Vulnerable Client Policy is designed to ensure the service we provide to vulnerable clients takes account of their attributes, needs and circumstances and that all staff are aware of and have proper regard for a client's mental capacity or other vulnerability such as disability, incapacity and duress:

- When taking instructions, and
- During the course of the service

This policy sets out:

a) Categories of vulnerable clients
b) Identifying vulnerable clients
c) Identifying the needs of vulnerable clients
d) Responding to vulnerabilities
e) Mental capacity and vulnerable clients
f) the steps we will take to monitor this policy
g) reporting breaches

Categories Of Vulnerable Clients

There are three broad categories of vulnerable clients:

- Clients who have capacity to make decisions and provide instructions, but by reason of a range of mental and/or physical disabilities need extra support to access our services and give instructions
- Clients who lack mental capacity to make decisions and provide instructions, for whom a range of statutory and other safeguards must be followed, and
- Clients who are vulnerable to undue influence or duress and who may or may not have mental capacity to make decisions and provide instructions

Identifying Vulnerable Clients

The following factors could indicate a vulnerability:

Advanced age, children and young people	Learning disabilities	Heavy reliance on family or friends for necessary care or support
Physical disabilities	Sensory impairment e.g hearing or sight impairment	Long-term alcohol or drug abuse

Cognitive impairment	Dementia	Exposure to financial abuse
Loss of mental capacity to make relevant decisions	Acquired brain injury caused for example by a stroke or head injury	Difficulty in accessing and/ or understanding complex information, e.g because of psychological or emotional factors such as stress or bereavement
Mental health issues	Communication difficulties, including no or limited speech, English as a foreign language, limited liability to read or write and illiteracy	Severe facial or other disfigurement
Experience of domestic violence or sexual abuse	Health problems	Low income
Low literacy	Living alone or in poor living conditions	Lone parent
Legal inexperience	Release from prison	Lack of internet or telephone access
Location	Being a carer	Threat of harm
Relationship breakdown	Loss of income	Victim of a crime or accident
Loss of employment	Having recently left care	Threat of deportation
Concern over access to children	Concern over child welfare	Bereavement

- Any one or more of these risk factors may mean the client is vulnerable, and some clients may be affected by more than one factor.

- Vulnerable clients may need assistance to express their wishes, understand relevant advice and provide you with instructions, or they may lack capacity to make relevant decisions and to give you instructions.

Identifying the Needs of Vulnerable Clients

It is not always easy to identify vulnerability. Some signs may be obvious, while others are hidden and your client may not tell you of any difficulties. You should not feel inhibited about asking for more information. You should tactfully try to identify the needs of your client to find out whether they:

1. Understand and can act on the information and advice provided, or whether they may need support to do this, e.g. from an interpreter, and

2. Have any other requirements or preferences:

   - For communicating with you.
   - In terms of accessing our services, e.g. to overcome mobility problems or hearing or sight difficulties; or
   - About how our services are provided, e.g. documents written in clear and simple language or information given orally

3. The sooner a client's vulnerability has been identified, the sooner you can help your client access your services and overcome any disadvantages caused by the particular vulnerability.

4. Carers or family members may also be able to provide helpful information, but in the first instance you should always seek to discuss these matters with the client alone, unless the client lacks capacity to give you instructions.

5. We have included prompts for staff to consider client vulnerabilities in our call sheet prompts.

6. If you identify or suspect a client vulnerability, you should follow the procedures set out in Responding to vulnerabilities below and inform Rozita Hussain as soon as possible.

Responding to Vulnerabilities

- The 'reasonable adjustments' duty under the Equality Act 2010 means you must anticipate the needs of people with particular types of disability as well as making tailored reasonable adjustments for individuals.

- Where possible, be flexible with appointment times, duration and location.

- Written communication, for example client care letters, letters of advice and costs information should be written clearly and free from 'legal jargon'.

- The table below gives more examples of the sort of steps we will consider taking where we identify a client vulnerability:

Vulnerability factor	**Potential response**
Client does not speak or understand English	Use an interpreter or translator
Client has a physical disability	Liaise with Rozita Hussain who will ensure appropriate steps are taken in order to accommodate the client's needs
Client: needs longer to understand what you are explaining has a speech impairment, or is communicating through a third party	Allow extra time for phone calls Conduct conversations using the text relay system, where the client has a speech impairment

Client has visual impairment	Provide information in large print, Braille, audio, DVD or easy-read format
Client has hearing impairment	Provide a sign language interpreter, lip-speaker or deaf-blind communicator Provide a portable induction loop Conduct conversations using the text relay system
Client's ability to attend the office is impaired by mental health issues	Consider visiting client at home, with appropriate safeguards in place
Client has cognitive impairment, particularly affecting memory	Provide a digital recorder, Dictaphone or electronic notetaker
Client is dyslexic	Provide written text on a coloured rather than white background. The client can advise you if this would be helpful for them and which colours to use

Mental Capacity and Vulnerable Clients

- When we think about vulnerable clients, we should also consider mental capacity, i.e the ability to make decisions.

- To be able to make a decision means you have mental capacity. These include both day to day decisions and more significant decisions that may have legal consequences, e.g. in situations where the client is:

    - Entering into a contract
    - Bringing legal proceedings

- Capacity is decision-specific; a client that has capacity to make a simple decision may not have capacity to make a complex decision or a decision that has significant consequences or carries significant risk.

- You must be satisfied that your client has capacity to give you instructions on the matter in question.

Monitoring and Review

- We will review this policy regularly—at least annually.

- We will provide information and/or training on any changes we make.

Breaches of Policy

Failure to comply with a policy will result in disciplinary action being taken and will be considered at performance reviews or appraisals.

Breaches of a policy may also require disclosure to the regulator, which may result in professional disciplinary action.

Further Advice

If you have any concerns or questions relating to any aspect of a policy, please refer to **Rozita Hussain** in the first instance.

If you are made aware of any matter arising to which this policy relates, you are required to notify **Rozita Hussain** immediately

Related Policies

The following policies and procedures must be considered when complying with this policy:

- Client Care

Date of Effect / Date of Review

This policy shall come into effect on **26th September 2025**

Rozita Hussain will regularly monitor and review the practice's policies, procedures and training, with support from the COLP, as required.

The policy and procedures will be reviewed at least annually, but more frequently if necessary.