



Vulnerable Clients Policy

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Available on: SharePoint/Induction Pack

1. Introduction

1.1 Some Clients we come into contact with will be vulnerable in the context of how we interact with them, by virtue of their personal circumstances. As a provider of employment and personal injury advice and representation, we have a duty and obligation to ensure that all elements of our work are consistent with the Government Guidance: [Meeting the needs of vulnerable clients](#).

1.2 We must ensure that we make reasonable adjustments and put in place appropriate additional support mechanisms to take account of these needs and ensure that such Clients are not at risk of undue detriment.

2. Aims and Use

2.1 This policy is intended for use by Internal Staff/Third Parties and is designed to ensure that we meet not just our legal and regulatory requirements, but also the codes of the professional bodies to which we are members and all ethical standards. It is available on SharePoint.

2.2 This policy aims to:

- Provide guidance for staff on how we define and identify a vulnerable customer
- Outline the processes we have in place to help support vulnerable Clients.
- Outline roles and responsibilities in relation to vulnerability and how we will oversee compliance in this area.

3. Definitions

3.1 “Vulnerability”: Types of vulnerability vary widely, for example someone could be vulnerable by virtue of being a young person with autism living independently for the first time, to a single parent with dependent children who has recently become unemployed, to someone with a terminal illness. “Vulnerability”: Can be permanent, transient or progressive.

3.2 We consider someone to be vulnerable when: “Their personal circumstances and characteristics mean they are significantly more likely than a typical person to suffer detriment in connection with how we deal with them, or where that detriment is likely to be more substantial”.

3.3 ADULTS

For the purposes of this policy we consider a vulnerable adult to be a person aged 18 or over who has:

- A learning or physical disability
- A physical or mental illness, chronic or otherwise including an addiction to alcohol or drugs
- A reduction in physical or mental capacity
- A dependency upon others in the performance of, or a requirement for assistance in the performance of physical functions
- Severe impairment in the ability to communicate with others
- Impairment in a person’s ability to protect him or herself from assault, abuse or neglect
- A person deemed not to display the mental capacity to make informed decisions

3.4 CHILDREN

For the purposes of child protection legislation, the term ‘child’ refers to anyone up to the age of 18 years (Children Act 1989) . An adult or child in a potentially vulnerable situation is someone whose situation includes:

- Physical and mental medical conditions

- Disability
- Learning difficulties
- Times of stress or anxiety
- Financial vulnerability

4. Scope

This Policy applies to Employee Rescue, permanent and agency staff, as well as service partners.

5. Relevant Guidance and Legislation

- Government Guidance: [Meeting the needs of vulnerable clients](#).
- Financial Conduct Authority: [Practitioners Pack](#)
- Financial Conduct Authority Guidance: [Consumer Vulnerability](#)
- [GDPR and DPA 2018](#) : Supersede the Data Protection Act 1998 and must be considered regarding collection, processing, retention, security and disclosure of data relating to customer vulnerability
- [Mental Capacity Act 2005](#) – see Appendix 1

6. Key Principles

6.1 We work on the general principle that we will take appropriate steps to consider the circumstances of any individual who is particularly vulnerable or susceptible to detriment and therefore needs adjustments to the way in which we communicate and support them.

6.2 We recognise that vulnerability is a state not a trait, that there is a sliding scale of vulnerability, and that people are different, meaning that some Clients will become vulnerable in circumstances where others may not.

6.3 We believe that the welfare of any vulnerable person (or child) is paramount; those who are vulnerable without exception have the right to protection from abuse regardless of gender, ethnicity, disability, sexuality or beliefs.

6.4 We work on the basis that every individual is different, has different circumstances, and therefore may need consideration. This means that as far as possible, we will treat individuals in a way that is appropriate to their needs, where possible tailoring our approach.

6.5 We take any complaint about the treatment of vulnerable Clients very seriously and any such complaint will be investigated fully. If appropriate, we will liaise with relevant external agencies.

7. How we can support Vulnerable Clients

We are developing a range of services and processes in place to support Clients. Some of these are aimed at people with disabilities who may well not be vulnerable, but form part of our wider suite of support for Clients who need us to do things a little differently. The services we do and will provide are summarised below:

7.1 Advisors Helpline

Tel: 0333 444 0764

7.2 Alternative formats

Whilst many Clients who need reasonable adjustments will not be vulnerable, we recognise that for some Clients a disability such as being blind means we need to communicate with that customer in a different way. This may include providing communications in large print, Braille or audio format.

7.3 Text phone and Minicom

As with alternative formats, these services are available to Clients to help them communicate with us. These services act as a conduit to transmit a message between us and the client in an accessible way.

7.4 Web Accessibility

We will continue to develop the website – www.employeerescue.co.uk by reference to the W3C Guidelines.

7.5 Debt Management

With reference to debt management, clients must be immediately referred to the [Step Change Debt Charity](#).

8. Clients at immediate risk of harm

We occasionally speak to Clients who indicate they are suicidal. Advisors are trained that if they believe there is an immediate risk that a client may harm themselves they must take prompt action. There is a procedure in place to deal with this which may include passing the details of the client to the emergency services to enable them to assist.

9. Training and Awareness

We will ensure that all relevant staff receive training in how to identify and respond appropriately to a vulnerable customer. We will do this through a combination of:

- Training as part of our induction process
- Specific training for front line staff
- Flagging real examples in debrief and team meetings
- Communication and awareness materials

All reasonable endeavours will be made to ensure that suppliers abide by the standards set by this policy and the FCA Guidance.

Where third party suppliers cannot agree by these standards, we will undertake a review of the third parties policies and operations to ensure that we are confident that the third

party meets our standards in principle, even if they do not directly align but they will always have to meet our legal requirements. Where any of the above conditions are not met, this must be flagged within our risk register.

10. Supporting Policies and Procedures

The following policies and procedures are available relevant and either explicitly reference, implicitly provide for or have related procedures with provisions relating to vulnerable Clients:

- Complaints Policy and Procedure
- Data Protection Policy
- Privacy Policy

Appendix 1

Our obligations under the Mental Capacity Act 2005 (MCA 2005)

A number of statutory principles are established, including:

A person must be assumed to have capacity unless it is established that they lack capacity;

A person is not to be treated as unable to make a decision unless all [practicable] steps to help him or her to do so have been taken without success; and

A person is not to be treated as unable to make a decision merely because he or she makes an unwise decision.

Determining mental capacity under MCA 2005

A person lacks capacity in relation to a particular matter if at the [material] time he or she is unable to make a decision for himself or herself in relation to the matter because of an impairment of, or a disturbance in the functioning of, the mind or brain.

How can I know whether someone has 'mental capacity'?

There is a two tier test for assessing this.

Part 1:

(a) Does the person have an impairment of, or a disturbance in the functioning of, the mind or brain? – Have they told you this?

(b) Does the impairment or disturbance mean that the person is unable to make the specific decision at the time that it needs to be made?

Part 2:

Can the person:

(a) Understand the information relevant to the decision,

(b) Retain that information,

(c) Use or weigh up that information as part of the process of making the decision, or

(d) Communicate his or her decision (whether by talking, using sign language or any other means)

If someone cannot undertake any one of these four aspects of the decision-making process, then he or she is unable to make an [informed decision].

CHECKLIST

Signs that an individual may be in a 'Vulnerable Circumstance'.

1. Is the individual:
2. Asking irrelevant and unrelated questions, or displaying signs of forgetfulness?
3. Unable to read and understand the information they are provided with, and asking for it to be continually repeated?
4. Responding in an irrational way to simple questions?
5. Saying 'yes' or 'no' at times that it is clear they haven't understood?
6. Taking a long time or displaying difficulty in responding to simple questions or requests for information?
7. Repeating simple questions such as 'who are you', 'and 'what do you want'?
8. Wandering off the subject at hand and making incongruous statements?
9. Saying that they are not well or not in the mood to continue?
10. Displaying signs of ill-health like breathlessness or making signs of exasperation or discontent?
11. Giving a statement such as 'I don't usually do things like this, my husband/wife/son/daughter takes care of it for me?'
12. Indicating in any way that they are feeling rushed, flustered, or experiencing a stressful situation?

13. Having trouble remembering relevant information, for example that they are already a regular donor to that charity or have recently donated?