



Supporting Vulnerable Clients Policy

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BMIS Version	August 2019
BMIS Key changes	Changes in format and clarifications.
Citizens Advice - Hart	Reviewed and approved by the board 2020.07.22

Introduction

This policy sets out how Citizens Advice - Hart supports our vulnerable clients, and the principles of how our staff and volunteers should deal with situations relating to vulnerable clients.

The aim of the policy is to improve the experience and outcome for vulnerable clients regardless of the channels they use to access our services.

The policy refers to definitions from the Financial Conduct Authority (FCA). You can find these definitions in the [FCA's Consumer Credit Sourcebook \(CONC\)](#).

What is vulnerability?

Vulnerability cannot be defined with a one-size-fits-all statement. It will not always be immediately clear if a client is vulnerable. But it is important that as an organisation we are aware of the potential for all of our clients to be vulnerable. The following factors could be helpful in determining if a client is vulnerable:

- Individual factors
- Wider circumstances
- Creditor or adviser action or inaction

The Financial Conduct Authority (FCA) has defined a vulnerable consumer as “someone who due to their personal circumstances, is especially susceptible to detriment, particularly when a firm is not acting with appropriate levels of care.”¹

Our approach to identifying and supporting vulnerable clients

As an organisation we will:

- ensure that we remain aware of the potential for our clients to be vulnerable
- encourage clients to feel comfortable disclosing any vulnerabilities to us
- understand that we may need to make adjustments to our standard processes to allow vulnerable clients to request and access our services
- take vulnerabilities into consideration in how we then provide our service to vulnerable clients

Common areas of concern

Mental capacity

The FCA defines mental capacity as “The ability to make an informed decision at a specific point in time. Clients with mental capacity to make a decision can understand, remember and weigh up information which is presented to them, and communicate their decision.”

Mental capacity limitation is explained by the FCA in the following way: “people with a mental capacity limitation are **unable** to understand, remember or weigh up informed information presented to them, or to communicate a decision.”

It is important not to presume that all clients with mental health issues also have a mental capacity limitation.

Mental capacity is not the same as mental health. Some clients with mental health difficulties may have mental capacity limitations, but some will not.

Mental capacity limitations can also fluctuate. For example a person with dementia may find that they have capacity in the mornings, but struggle to understand and retain information as the day progresses. In this instance we would accommodate the client by offering advice and appointments in the mornings.

¹ Financial Conduct Authority (2015) Occasional Paper No. 8 Consumer Vulnerability: Executive summary

In our support of clients with mental capacity limitations, we will:

- encourage clients to feel comfortable disclosing any potential mental capacity limitations
- look for indicators that a client may be lacking mental capacity, and not just rely on clients to tell us
- record the mental capacity limitations where identified, and help the client to make an informed decision

Disclosures of sensitive personal data

Clients in vulnerable situations will often disclose personal data. We have adopted a data protection policy in line with [general data protection regulation \(GDPR\)](#). We will ensure that all staff are aware of the importance of following our GDPR data protection policy the [GDPR data protection model policy](#), available as linked or on BMIS.

Clients who talk about taking their own life

There may be occasions when staff and volunteers suspect or are told by vulnerable clients that they are considering taking their own lives. We recognise that these situations may be rare, but that it is important that staff and volunteers are clear about what action to take.

We will ensure that staff and volunteers are aware of the importance of the following steps:

- listening to the client, acknowledging their circumstances and feelings and making it clear we are taking them seriously
- understanding our safeguarding policies which explain the circumstances around breaching client confidentiality and calling 999 in an emergency
- awareness of the [procedures and model policies for safeguarding adults and children](#)

We will ensure that staff and volunteers are able to seek support following these challenging situations.

Clients with a terminal, life-threatening or long-term condition

We recognise that being told a client is suffering from a serious illness or condition can be difficult to hear. Staff and volunteers may be concerned about how to respond and the best way to support clients in these circumstances.

We will ensure that our staff and volunteers are aware of the following ways to help the client, fully acknowledging and communicating their own boundaries:

- provide the client with guidance relevant to the client's illness or condition
- acknowledge the disclosure of a serious condition in an appropriate and sympathetic way
- ask the client if they mind talking about the situation, and if it is not an illness or condition they have an awareness of, tell the client this and ask for more information
- listen to a client who has disclosed a serious illness or condition and ask the client what support they need
- be sympathetic, and avoid the use of phrases such as “I know how you feel”
- be aware that clients in these situations may have a range of emotions including confusion, anger, distress, fear, depression and sadness

We will ensure that staff and volunteers are aware of the importance of looking after their own wellbeing and that they can seek support from their line managers whenever needed.

When someone else gives us information about a client

In some situations we may receive information from a carer or family member about a vulnerable client.

We will ensure that our staff and volunteers understand that whilst they should not discuss a client's case with anyone who does not hold the appropriate authority, this does not mean they cannot listen to the information being provided by a third party.

We recognise that disclosures from carers can be valuable. We are committed to engaging with carers and taking appropriate action, whilst ensuring that we maintain client confidentiality.

Our [client confidentiality policy](#) has more detail about this. We will ensure that all staff and volunteers are aware of the policy.

If creditor agencies are failing vulnerable clients

If we are concerned that a creditor agency is failing vulnerable clients, we will consider requesting copies of its policies and procedures for dealing with these customers. We will then use the information provided to assist us in pursuing a client's case and also in making the creditor aware of potential breaches of the regulatory framework which states that:

“A firm must establish and implement clear, effective, and appropriate policies and procedures for:

- dealing with customers whose accounts fall into arrears
- the fair and appropriate treatment of customers, who the firm understands or reasonably suspects to be particularly vulnerable”

We can also consider using the creditor’s complaints policy, or seeking advice from the national Citizens Advice Creditor Liaison Policy Officer.

Supporting and training staff and volunteers

We will ensure that all staff and volunteers receive appropriate training, to support them to effectively identify and support vulnerable clients.

We recognise that staff and volunteers may require extra advice, support and guidance when working with vulnerable clients. This support is available from their line managers in the first instance.

Review of policy

This policy will be reviewed every 2 years. If the law changes before the policy is due for review, we will update the policy as needed.