

Recognising and responding to consumer vulnerability

The Panel has developed a guide for legal services regulators based on the British Standard BS18477 on Inclusive Service Provision.

People purchase legal services at times of stress. Therefore, no matter how experienced a consumer may be, their *individual characteristics* may make them vulnerable. A range of factors, including physical and mental ability, language skills, or financial constraints can contribute to a consumer being at risk of disadvantage. Added to that, the particular *features of the legal services market*, such as barriers to access and difficulty judging quality, can equally put people at risk.

The diagram below shows a consumer-centric model, with individual characteristics which may increase vulnerability listed next to market factors which could also put people at risk. Sometimes these factors combine to increase the risk of vulnerability.



Checklists for regulators

The table below lists a number of questions which regulators could ask as they travel through the regulatory journey: making regulatory policy, carrying out the core regulatory functions, and providing services directly to members of the public. This should help to raise awareness of the factors that can make someone vulnerable and provide a framework to help regulators structure their response. Ultimately this will translate into law firms and lawyers acting in an inclusive and accessible manner.

Regulatory policy making	Carrying out the core regulatory functions	Providing services to the public
Are consumers at risk due to their individual characteristics?	Do rules and codes of conduct make clear how to recognise & treat vulnerable consumers?	Have staff been trained to recognise and respond to the needs of vulnerable consumers?
Have the consumer principles been applied?	Are there incentives to treat vulnerable consumers fairly	Can staff recognise and respond when carers want to deal with a problem in place of the vulnerable individual?
Has the impact of proposals on vulnerable consumers been considered, including through formal impact assessment?	Are staff within the regulator aware of how to recognise vulnerability so they are able to monitor effectively?	Are staff aware of legal requirements when processing and recording information about individuals? Can they comply?
Is there a framework in place to ensure these questions are addressed systematically when policy is being developed?	Is recognising and dealing with vulnerability highlighted at the education and training stage?	Are websites and other consumer facing communications accessible?
Do regulators ask the question 'What implications does that decision have for our vulnerable consumers?'	Is recognising and dealing with vulnerability incorporated into aspects like authorisation and supervision?	Are standard communications sent to consumers appropriate?
Do regulators monitor and evaluate their strategy for recognising and responding to consumer vulnerability?	Is supporting guidance and/or training on good practices available?	Are feedback mechanisms in place to check whether the needs of vulnerable consumers are being met?
	Is there a process which regulators use to check that consumer vulnerability has been addressed by lawyers or law firms?	Is there a process for assessing how effectively the needs of vulnerable consumers are addressed when providing services to the public?