

# PAYNE HICKS BEACH

## VULNERABLE CLIENTS ESCALATION POLICY

1. We suggest that firms should maintain an internal policy on what to do if a client who has been identified as vulnerable appears to be becoming increasingly vulnerable or there are concerns that the client may self harm or be a danger to themselves. The contents of any policy will be a matter for each individual Firm, in consultation with their compliance officers, and the suggestions below are not intended to replace that process. However, we consider the points below are matters that may be useful to take into consideration.
2. If a client has been identified as vulnerable then regular review sessions should take place between the client's team to ensure that appropriate accommodations are in place. The client or matter partner should take the lead in these meetings and address the status of the client's vulnerabilities. For every client that should be a clearly identified lead person to whom junior members can express concerns.
3. Firms may find it helpful to maintain a database of external support services that vulnerable client's can be referred to e.g. addiction specialists, domestic abuse support groups, therapists and counsellors. In the first instance the team should consider whether external support is required and signpost the client accordingly.
4. If a client is showing increasing vulnerability in coping with their affairs consideration should be given to whether it would be beneficial to have a friend or family member present at meetings. It is important that this is discussed with the client and that their consent is obtained (in the absence of the third party) before any third party attends a meeting, given the likelihood of confidential and privileged material being discussed.
5. The client's capacity to give instructions must be kept under review.
6. In the event that a client appears to be at risk of harm to themselves then the client partner should be notified immediately. There should be a clear pathway in firms so that it is clear that those at the junior end should not assume responsibility but should refer concerns upwards. Responsibility should be assumed at an early stage by a partner.
7. We suggest that firms appoint a vulnerability lead/ champion to whom concerns should be reported and who should engage with the client partner to decide how to deal with a situation where the client's vulnerability seems to have escalated. This individual should be responsible for maintaining the contact details of third party support services. We envisage that this individual should work together with the firm's risk and compliance officers and be involved in the formation of policies around dealing with vulnerable clients. We suggest that there should be consideration of the reporting process for vulnerable client's where the concern has escalated, for example if it is felt necessary to contact emergency services, both the vulnerability champion and risk and compliance officers should be advised of the potential breach of confidentiality.

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8. If the client is considered to be in immediate danger then a call should be placed to emergency services via 999.
9. If the client is not in immediate danger then a strategy should be agreed between the vulnerability lead and the client partner. All members of staff, including support staff, should be notified of the agreed strategy.
10. Where any member of staff has been involved in a situation where a client is in crisis (for example, receiving a call where a client threatens self-harm) consideration should be given by the client partner to referring the relevant team members to support services, either internally or, if appropriate, externally.

## WRITTEN BY



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