

Law Society's Vulnerable Clients Practice Note – July 2015

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Project method

Following research confirming that that 59% of firms had provided services to vulnerable clients, the Law Society produced guidance in response to calls for guidance from firms and other significant partners, including Mencap and the Norah Fry Research Centre. The practice note has a heavy concentration on MCA 2005 related advice.

The guidance defined 'vulnerable' to refer to a range of clients who may require additional support and protection navigating legal services, including: clients who have capacity to make decisions and provide instructions, but who require support to use a solicitor's services and give instructions; clients who lack mental capacity to make decisions for whom a range of statutory and other safeguards must be followed; clients who are vulnerable to undue influence or duress.

The Practice Note offers guidance on a number of areas; including specifically: the legal test for capacity under section 3 of the MCA 2005; techniques for assessing capacity; how best to communicate and adjust services for vulnerable clients during the course of proceedings; taking instructions on behalf of a client who lacks capacity; obtaining medical or other expert opinion.

Project results/evaluation

Using case scenarios, the guidance helps solicitors to: identify vulnerable clients and their needs at an early stage; communicate with them more effectively; implement the protection within the MCA 2005; work with third parties, including advocates and carers; help clients to achieve the best possible legal outcomes.

The guidance was published in the summer of 2015 and has been well received by the solicitor's profession. The practice note was reviewed and endorsed by the Norah Fry Centre and Mencap before publication.

Project area classification

Hospital care		Emergency care	
GP care		Dementia	
Social care		Learning disability	
Voluntary sector		Other mental health	x
Financial services		Palliative care	
Police		Advance planning, LPAs	
Legal	x	Commissioning	
Community health care		Training	
Nursing and care home		For professionals?	x
Acute care		For public and service users?	
Chronic care			