

Vulnerable Consumer's Policy

April 2025

All our staff need to be alert to the signs that the person they are talking to may not have the capacity, at that moment in time, to make an informed decision about the implications of the services that QDOS can offer them. This is not a diagnosis of a condition; it is just an extension of QDOS staff existing skills of listening, identifying needs, and adjusting our approach accordingly.

The Mental Capacity Act says that a person is unable to make a specific decision if they cannot understand information about the decision to be made, cannot retain that information in their mind, cannot use or weigh that information as part of the decision-making process, or cannot communicate their decision.

QDOS staff should be alert for signs such as:

- They ask you to speak up or speak more slowly.
- Can they hear the complete conversation or are they missing important bits?
- Do they understand what you are saying?
- They appear confused.
- Do they know what is being discussed?
- Do they ask unrelated questions?
- Do they keep wandering off the point in the discussion and talking about irrelevancies or things that don't make sense?
- Do they keep repeating themselves?
- Do they say "Yes" in answer to a question when it is clear they haven't listened or understood?
- They take a long time to get to the phone and sound flustered or out of breath, indicating they may have a lack of mobility due to age or illness.
- They take a long time to answer questions. They say "My son/daughter/wife/husband deals with these things for me".
- Where there is a language barrier they are vulnerable as they may not fully understand what is being said to them.
- They say that they don't understand a previous phone conversation or recent correspondence

Action:

- Ask the consumer to explain to you what they understand the agreement to be.
- Offer alternatives to dealing with things by phone – maybe they would prefer to transact the business by post or email.
- Don't assume that the person you are talking to is sighted – they may be unable to read serial numbers or statement details.
- Don't assume that the person you are talking to can hear everything you are saying – they may have a hearing impairment.
- Remember that vulnerable consumers can sometimes be forgetful or overly trusting.
- Give the consumer time to explain fully – don't interrupt or show impatience.
- Listen for what isn't being said, not just what is – e.g. commitment, timing type questions on the part of the person receiving the call should ring alarm bells.
- Ask if there is a better time to call – e.g. some people will function better in afternoons than mornings.
- Ask whether there is someone else they need to talk to before making the decision.
- Once you identify you may have a vulnerable consumer make management aware and if you are not sure refer the matter to them anyway.
- Make sure you record that the customer is vulnerable on all records including emails, databases and file notes so your colleagues can identify this on future contact.

Is this a case that we can proceed to offer services on?

- Ask yourself honestly whether a "yes" is real agreement or just submission.
- QDOS staff should consider whether the customer demonstrates that they have a general understanding of what services we offer and who we will be instructing on their behalf.
- Can they understand and process information about the potential claim and what happens next?

- And can they use it to help them make a decision?
- Be careful to distinguish between verbal cues and agreement e.g. “oh yes” could mean “I’m listening” not “I’d like to go ahead”.
- Ask the following questions: “do you need to discuss this with anyone else” / “would you like me to explain any part of this call again” / “did you want to think about this before making a decision” / “is there anything we can do to help you deal with us”?
- If they say something that suggests they don’t fully understand what you have said, be prepared to repeat or paraphrase to clarify understanding.
- Ask if anything needs to be repeated “is there anything I have said that you do not understand...”.
- Don’t assume that they fully understand all the implications of the process or what they need to do next. Explicitly and clearly confirm all the important information.
- Make sure that the consumer is not flustered, agitated or in an emotional state when they agree to find further information, or be passed over to a partner.
- Suggest that they talk it through with someone else and offer to ring them back. Where appropriate suggest that a guardian or carer could be present on the call.
- Offer to “patch in” a trusted third-party carer or family member, to the call if this is required.
- If you are happy that you have dealt with the matter as above and then proceed to deal with the claim and instruct partners on the consumers behalf you must notify the partner as soon as you receive their notification of receipt of instructions – it should be that the partner will identify this themselves. **Do Not Take That** for granted and make them aware immediately.

If you receive any complaint at any level from a consumer about the handing of the matter you must report this to Management without delay.