



The Association of Consumer Support Organisations (ACSO)

# Simplifying access to justice for vulnerable consumers

December 2021

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## Introduction

Vulnerability is a pertinent and widespread issue in the UK, effecting many millions of consumers who suffer from a range of physical and mental conditions from disability to depression.

It is crucial that legal-services providers are consistently mindful of the barriers that vulnerability can create for these consumers, not least to their access to justice.

Examples in this report show the ill-treatment vulnerable consumers can experience. This can include staff failing to recognise and cater to vulnerabilities to websites which are inaccessible for those who are blind or deaf. As a result, many who are vulnerable expect that their experience of legal services will be complicated, stressful and, ultimately, not worth the time and hassle. This is unacceptable.

In light of this, this report outlines numerous recommendations that the Association of Consumer Support Organisations (ACSO) is making to legal-services providers. These range from simple awareness training for staff to more appropriate technology. Through these recommendations, we believe vulnerable consumers will be able to access the services they need and find simpler routes to justice.

## Defining 'vulnerable'

To understand the different problems some consumers can face and where potential solutions to these may lie, we must establish what is meant by 'vulnerable'.

In the legal-services market, vulnerability refers to those whose personal, situational or physical circumstances make them less able to protect or represent themselves or their interests and who are more likely to suffer from detriment as a result.

The Financial Conduct Authority (FCA) outlines four main drivers of vulnerability:

- Health conditions or illnesses that affect the ability to carry out day-to-day tasks;
- Major life events such as bereavement or relationship breakdown;
- Low resilience to withstand financial or emotional shocks;
- Low knowledge of financial matters or low capacity in managing money.<sup>1</sup>

The ways in which vulnerabilities will manifest themselves will often not be immediately obvious. They may also fluctuate, with some experiencing permanent or long-term vulnerabilities and others experiencing temporary or shorter-term challenges.

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<sup>1</sup> Financial Conduct Authority, '[Guidance for firms on the fair treatment of vulnerable customers](#)', February 2021, p.9.

As a result, it is near-impossible to determine how many people in the UK fall under the category of ‘vulnerable’ at any one time. There are, however, some numbers that begin to give us an idea of how significant this issue is. For example, The FCA *Financial Lives 2020* Survey found that just under one in two (46 per cent) UK adults display one or more characteristics associated with their four drivers of vulnerability listed above.<sup>2</sup> Analysis also shows that those over 75, the unemployed, those who rent and those with no qualifications are the most likely to find themselves in the vulnerable category.<sup>3</sup>

It is estimated that around 1 in 4 people in the UK will experience a mental health issue at some point in their life.<sup>4</sup> Alongside this, disability, both physical and cognitive, affects 13.9 million people in the UK.<sup>5</sup> Notably, many of these disabilities are invisible, with just eight per cent of disabled people in the UK using a wheelchair.<sup>6</sup> While these figures present just a few characteristics of vulnerability, they begin to paint a picture of its widespread nature. The pandemic has also increased the number of vulnerable consumers in the UK. According to the *Financial Lives* coronavirus panel survey, in October 2020, 53 per cent of adults were displaying a characteristic of vulnerability, meaning an increase of more than 3 million people from the period before the pandemic.<sup>7</sup>

As legal-services providers deal with consumers at some of the most stressful times in their lives following events such as divorce, injury or bereavement, those working in the sector should be particularly attuned to supporting and accommodating their needs. As will be seen in this report, if vulnerability is not appropriately managed, issues arise for both the consumer and their representatives.

## Collaborative reform

Since vulnerability affects so many, there is every incentive to protect and cater to all those who can be considered to possess vulnerable characteristics.<sup>8</sup> At present, there are many issues in the ways in which vulnerable consumers use legal and financial services, with some unfortunately ending up worse off than they were before.<sup>9</sup> To correct this, service providers should work together to ensure nobody is getting a poor deal as a result of their vulnerabilities.

Though organisations must be mindful of data handling and General Data Protection Regulation (GDPR) laws, data sharing is paramount to establishing industry best practice. With

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<sup>2</sup> Financial Conduct Authority, [‘Financial Lives 2020 survey: the impact of coronavirus’](#), February 2021, p.13.

<sup>3</sup> *Ibid*, p.13.

<sup>4</sup> Legal Services Consumer Panel, [‘Recognising and responding to consumer vulnerability: A guide for legal services regulators’](#), October 2014, p.15.

<sup>5</sup> Office for National Statistics, [‘Outcomes for disabled people in the UK: 2020’](#), February 2021.

<sup>6</sup> *Ibid*.

<sup>7</sup> Financial Conduct Authority, [‘Financial Lives 2020 survey: the impact of coronavirus’](#), February 2021, p.18.

<sup>8</sup> Financial Conduct Authority, [‘Guidance for firms on the fair treatment of vulnerable customers’](#), February 2021, p.13.

<sup>9</sup> *Ibid*, p.13.

effective procedures to ensure that all sensitive data is secure, information sharing on best practice can then be actively encouraged.

As outlined by the Competition and Markets Authority (CMA), there is an opportunity for regulators to facilitate data-sharing across regulated markets in order to make it easier for vulnerable customers to access the services they need.<sup>10</sup> The CMA has identified a pilot vulnerability data-sharing programme in the North West of England carried out by Ofwat and Ofgem through the UK Regulators' Network (UKRN). It aims to make better use of water and energy company customer data with a view to identifying those in vulnerable situations, thereby creating a joint priority services register. This avoids vulnerable customers having to register on multiple occasions with different suppliers.<sup>11</sup> Despite some practical challenges, a 2018 UKRN update report showed that there had been significant progress towards cross-sector data-sharing and the project is now being rolled out across the country.<sup>12</sup>

The CMA has also raised the potential for extending the data-sharing principles of Open Banking to other sectors, such as legal services. Open Banking is the process by which banks and other financial institutions open up their data for regulated providers to access, use and share.<sup>13</sup> The CMA notes that "by giving individuals the right to share their data securely with third parties, such approaches will reduce the effort involved in shopping around and switching". Its research shows that while there were concerns for some about the potential implications for privacy and data protection, data-sharing solutions were, overall, well perceived. If consumers are more likely to trust other consumers, perhaps those with similar vulnerabilities or circumstances as themselves, this data-sharing initiative could give consumers a more positive and hassle-free experience, ultimately with better outcomes for both parties. The data-sharing principles of Open Banking also allow family members to act on a consumer's behalf, thus helping those who rely on the support of others to access certain services. With the right approach, the benefits of data-sharing and collaboration can support customer engagement and support those who are the most vulnerable.<sup>14</sup>

Alongside collaboration through data-sharing, collaboration to achieve certain policy ends is crucially important. The case study below is an example of what collaboration can achieve, namely in relation to how vulnerable road users (VRUs) – cyclists, motorcyclists, pedestrians and horse riders - are exempted from the provisions of the 2018 Civil Liability Act.

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<sup>10</sup> Competition & Markets Authority, '[Consumer Vulnerability: Challenges and Potential Solutions](#)', February 2019, p.31.

<sup>11</sup> *Ibid*, p.31.

<sup>12</sup> *Ibid*, p.31.

<sup>13</sup> *Ibid*, p.31.

<sup>14</sup> *Ibid*, p.31.

## Civil Liability Act

*The CLA was implemented in May 2021 to change the way consumers make 'whiplash' claims following a road-traffic collision. However, the proposal to increase the small claims limit (below which claimants cannot recoup their legal costs) for personal injury claims from £1,000 to £5,000 threatened access to justice for injured VRUs, who rarely make the type of injury claims targeted by the legislation.*

*Unchanged, the proposal would have affected 70 per cent of cyclist personal injury claims and a similar percentage of motorcyclist claims.*

*Under the aegis of ACSO, representatives of the many different types of VRUs worked together to lobby ministers to remove these types of road users from the scope of the CLA. This was successful, with the legislation defining whiplash injuries only as those experienced by drivers or passengers of motor vehicles, excluding motorbikes. In addition, the small claims track limit for VRUs remained at its previous level of £1,000, maintaining their access to justice.*

*ACSO was also successful in ensuring that children and protected parties are treated differently under the CLA. Although they are still subject to a new tariff of damages if they suffer whiplash-style injuries while driving or (more usually) passengers in a motor vehicle, they can still recover their legal costs, regardless of the severity and therefore value of their injuries.*



Collaboration, whether it through data-sharing, joint lobbying or other partnership working, is a particularly effective way to ensure vulnerable consumers receive the services that they need. **In this vein, ACSO recommends more use of data-sharing to establish best practices across the industry and further co-operation between providers to push for the best outcomes for consumers.**

## Tech in the legal services sector

**Just as in many other sectors, legal services are becoming increasingly digitalised.**

A Legal Services Board (LSB) tracker survey found that the proportion of consumers who have their services delivered online increased from 21 per cent in 2011 to 33 per cent in 2019.<sup>15</sup> Meanwhile 2018 research revealed that 48 per cent of London law firms are already using artificial intelligence (AI) and a further 41 per cent intend to do so in the near future.<sup>16</sup>

These changes have accelerated throughout the course of the pandemic, making large-scale digitisation of legal services even more likely: a recent YouGov poll found that 54 per cent of those who had used a legal service since the start of the pandemic said they had it delivered online.<sup>17</sup> This correlated with an increase in satisfaction levels of the service received which has risen from 79 per cent in 2012 to 83 per cent in 2021.<sup>18</sup> As CEO of CrowdJustice and Legl Julia Salasky says, there is a “real opportunity” for LawTech to improve not only satisfaction but access to legal services.<sup>19</sup>

**Technology is reshaping the way in which services operate and cater to their customers.**

LawTech is the term used to describe technologies that aim to support, supplement or replace traditional methods for delivering legal services, or that improve the way the justice system operates. At the moment, LawTech is being used to:

- Improve user interaction methods for advice provision, including a combination of websites, mobile apps, live chat services etc.
- Develop technologically enabled frontline services for clients or service users through public legal education initiatives
- Improve practice management

Implementing LawTech could see many benefits. For example:

- Increased use of technology could help the legal market by making services more accessible, meeting clients’ demands better, driving competition in the market and improving standards of customer service.
- The use of automation and the potential reach of online services could help improve access to justice and address unmet legal needs.
- Technology could allow for new ways of working face-to-face with vulnerable or hard-to-reach communities. It could also help deliver services to those who can afford them but cannot attend physical meetings, such as those living in remote areas, those who are unable to travel or who are shielding themselves from others.

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<sup>15</sup> Legal Services Board, [‘Perspectives on LawTech and Regulation’](#), April 2020.

<sup>16</sup> Today’s Conveyancer, [‘Benefits of Implementing Technology in the Legal Sector’](#), January 2019.

<sup>17</sup> Legal Futures, [‘Consumers happy with shift to online legal services, survey finds’](#), July 2021.

<sup>18</sup> *Ibid.*

<sup>19</sup> Legal Services Board, [‘Perspectives on LawTech and Regulation’](#), April 2020..

- Firms increasing their efficiency and productivity will reduce costs which can, in turn, help meet the needs of those who cannot afford legal advice. Since over a third of people who have legal problems try to resolve them without seeking professional support, and 28 per cent of people who would like legal advice cannot afford it, improved use of technology could help access a large new market.<sup>20</sup>

However, there are concerns about technological developments in the legal sector and particularly the ill-effects these could have on vulnerable consumers. For example:

- When dealing with sensitive matters, technology cannot match the empathy of a human being.
- When advising clients, technology is unlikely to be able to show the same professional judgement and skills a lawyer possesses.
- Cyber-attacks have the potential to have very strong adverse effects on law firms.
- Technology in the legal services sector could lead to a new list of technical jargon, which can be alienating for all consumers, not just those with vulnerabilities.
- As with all young and developing industries, the legal technology currently available remains unaffordable for a large section of the legal industry. If in turn legal-services costs increase, this will fall heaviest on those who are vulnerable.
- It is more difficult for technologies to recognise the more subtle signs of vulnerability, meaning that without human intervention, many clients will be railroaded down a tech-centred path when this may not be wholly appropriate.
- Staff may have to be retrained to understand and effectively operate new systems and how to mitigate any issues that may arise from them.<sup>21</sup>

**Technological developments in the legal-services sector could exacerbate existing vulnerabilities or even create new vulnerabilities for those who are digitally challenged.**

As LawTech develops, it risks presenting itself as the default option for modernisation. This could exclude consumers who lack IT literacy, digital equipment, access to the internet or prefer to have services delivered via human contact. Indeed, around 1 in 10 people in the UK are considered to have no digital skills, with a further 2 in 10 lacking the very basic digital skills.<sup>22</sup> A recent government white paper also acknowledged that 70 per cent of the UK population may be classed as either ‘digital with assistance’ or ‘digitally excluded’, statistics which must be acknowledged when discussing any digitisation of legal services.<sup>23</sup>

The Law Society has said LawTech is incapable of replacing lawyers (which it represents), stressing that while technology can provide a tool for better advice, more effective business and streamlined client engagement, traditional models of providing legal services will

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<sup>20</sup> Solicitors Regulation Authority, [‘Improving access – tackling unmet legal needs’](#), June 2017.

<sup>21</sup> The Lawyer Portal, [‘Will technology replace lawyers?’](#), April 2019.

<sup>22</sup> Legal Services Consumer Panel, [‘Responsible technological innovation that improves access to justice’](#), April 2020

<sup>23</sup> *Ibid*



continue to be important, particularly for vulnerable clients.<sup>24</sup> Alongside this, the Law Society have also predicted a 50 per cent drop in legal staff between 2030 and 2050 as providers move towards a ‘work alongside technology’ approach.<sup>25</sup>

Overall, ACSO is supportive of technological developments in legal services and is eager to see the benefits it can bring. But ACSO is also keen for providers to acknowledge and mitigate against their limitations when it comes to vulnerable consumers. **As technology establishes itself in the legal services market, ACSO recommends that policymakers, regulators and firms take advantage of this technological infancy and ensure that any developments are introduced and utilised with the intention of improving the experience of vulnerable consumers.**

## Training and awareness

**Accessing legal support can be particularly difficult for those who are vulnerable, and some may run the risk of being worse off as a result of substandard services.**

A good understanding of the legal sector is by no means widespread. For many, a lack of knowledge can make them more vulnerable, and that is something service providers need to be aware of. Similarly, being in such an unfamiliar environment, many consumers report feeling overwhelmed by information and do not feel comfortable enough to explain how they would like things to be done.<sup>26</sup> Legal Services Consumer Panel (LSCP) research found everyday tasks such as filling in forms, concentrating for long periods and remembering or explaining things can be difficult and even all-consuming for those with certain vulnerabilities.<sup>27</sup> As a result, many fail to receive the service they require to deal appropriately and effectively with the issue at hand.

Some answers are simple: a 2016 LSB research paper exploring the experiences of consumers with dementia and mental-health issues found that respondents said the most useful help they could receive was simply a ‘jargon-free’ experience without embellished terms and complicated procedures.<sup>28</sup>

**Certain bodies have taken action to ensure consumers can be more at ease when accessing the services they need.**

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<sup>24</sup> The Law Society, [‘Using lawtech in your practice’](#), May 2020.

<sup>25</sup> The Law Society, [‘Future Worlds 2050: images of the future worlds facing the legal profession 2020- 2030’](#), 8 June 2021.

<sup>26</sup> *Ibid*, p. 32.

<sup>27</sup> Legal Services Consumer Panel, [‘Recognising and responding to consumer vulnerability: A guide for legal services regulators’](#), October 2014, p.14.

<sup>28</sup> Legal Services Board, [‘Experiences of consumers in vulnerable circumstances with different legal services providers’](#), March 2017, p.6.

While financial services firms are not bound to adopt guidance from the Financial Conduct Authority (FCA), they are obliged to meet the standards set by the FCA Principles.<sup>29</sup> These state that firms should:

- Take meaningful action to understand the needs of their customer base;
- Make sure staff have the right skills and capability to recognise and respond to the needs of vulnerable consumers;
- Respond to customer needs throughout product design, flexible customer service provision and communications;
- Monitor and assess whether they are meeting and responding to the needs of customers with characteristics of vulnerability, and make improvements when this is not happening.

Christopher Woolard, former interim Chief Executive at the FCA, has said “supporting vulnerable consumers is a key focus of the FCA, and the coronavirus crisis has only heightened its importance”.<sup>30</sup> With this in mind, the regulator’s best practice guide suggests:

- Looking at complaints data;
- Using feedback that may not be sent to the firm directly, including online reviews and social media complaints;
- Testing experiences of vulnerable consumers through processes such as mystery shopping, auditing, focus groups and deep dives;
- Using insights from organisations with an understanding of the ‘lived experience’ of vulnerable consumers, such as consumer bodies, charities and other third-sector organisations;
- Allowing staff to feedback honestly when they think processes for vulnerable consumers could be improved;
- Reviewing whether processes and policies are effective in the fair treatment of vulnerable customers; and
- Ensuring frontline staff have the necessary skills and capabilities to recognise and respond to a range of characteristics of vulnerability.<sup>31</sup>

A focus on staff behaviour and competency may be a particularly effective way of providing an improved service to vulnerable consumers. For example, outside of the legal-services sector, Ofcom has provided training to staff in its customer-facing service teams all around the UK to ensure they can communicate appropriately and efficiently as possible with disabled consumers.<sup>32</sup> The training is designed to exceed minimum legal compliance and

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<sup>29</sup> Financial Conduct Authority, [‘FG21/1 Guidance for firms on the fair treatment of vulnerable consumers’](#), February 2021.

<sup>30</sup> Financial Conduct Authority, [‘New guidance to help firms do more for vulnerable consumers’](#), September 2020.

<sup>31</sup> Financial Conduct Authority, [‘FG21/1 Guidance for firms on the fair treatment of vulnerable consumers’](#), February 2021.

<sup>32</sup> Legal Services Consumer Panel, [‘Recognising and responding to consumer vulnerability: A guide for legal services regulators’](#), October 2014, p.34.

deliver an optimum level of service to customers. Surveys have since shown that the training improved services provided to disabled consumers by 36 per cent.<sup>33</sup>

For customer-facing staff, it is often minor adjustments, which can be easily adopted, which make the biggest difference. Research has shown that this can be as simple as staff speaking clearly and making direct eye contact with their client.<sup>34</sup> The LSCP has found further small gestures were very beneficial to consumers, such as adding Post-It notes next to legal phrases which explain what they mean in simpler terms, using hearing loops in meeting rooms or leaving extra time for a meeting to discuss anything that does not make sense.<sup>35</sup> For many vulnerable consumers, changes such as these can be the difference between a successful experience or a damaging or distressing one.

While the FCA recommends numerous measures for firms, real change requires these measures to be an obligation, not an option. As shown by Ofcom, compulsory and comprehensive training can be an effective way to ensure vulnerable consumers receive the best standards of service and equal access to justice. An attentive, understanding and professional staff member is often the most likely to make vulnerable consumers feel comfortable at what can be a daunting time. **In light of this, ACSO recommends considering mandatory vulnerable-consumer training for those in any legal-services-based, customer-interacting roles to ensure consumers are supported every step of the way**

## The accessibility of services

**Many legal-services platforms are unsuitable for those with certain vulnerable characteristics.**

According to LSCP research, there is a severe lack of deaf friendliness in the legal-services sector. Evidence suggests this can range from a lack of eye contact in order to aid lip reading to a lack of awareness in finding a suitable location for interaction to an unsuitable website. In turn, many deaf consumers can suffer in legal proceedings as a result of these insensitive communication barriers.<sup>36</sup>

Those with dementia can also be particularly vulnerable when accessing legal services due to many suffering from confusion and memory loss, or feeling uncomfortable in unfamiliar surroundings and having subsequent difficulties expressing themselves.<sup>37</sup> Their (or any) carers may also be at risk of vulnerability, which is often heightened due to age, lack of experience

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<sup>33</sup> *Ibid*, p.34.

<sup>34</sup> *Ibid*, p.21.

<sup>35</sup> *Ibid*, p.21.

<sup>36</sup> Legal Services Consumer Panel, '[Legal Choices – Silent Process: Engaging Legal Services when you do not hear](#)', March 2012, p.11.

<sup>37</sup> Legal Services Board, '[Experiences of consumers in vulnerable circumstances with different legal services providers](#)', March 2017, p.4.

of using legal services and above-average levels of anxiety and depression.<sup>38</sup> Carers often find themselves in a high-pressure environment supporting their vulnerable client to access legal services and can play a key role in communicating and helping the vulnerable identify what reasonable adjustments could be made to assist the legal process.<sup>39</sup> Service providers should cater to this situation and be mindful of not taking advantage of carers to access consumers' information.

For disabled consumers, there are many issues faced when accessing legal services. According to research by the Solicitors Regulation Authority (SRA), almost three in four such consumers were rarely or never asked if they needed adjustments when accessing services.<sup>40</sup> For those with less visible impairments, such as mental health or learning or social disabilities, they faced an even more challenging experience in accessing information and services as their abilities were never questioned.<sup>41</sup>

For those suffering from a long-term or short-term mental health condition, dealing with legal matters can be a source of particular difficulty and stress. The process itself can trigger problems and many may find the paperwork and decision-making overwhelming. Even without a mental-health concern, respondents to an LSB survey said that their anxiety exponentially increased when faced with having to deal with a legal matter.<sup>42</sup> As the FCA notes, for those already struggling, "being confronted by a complex telephone menu system that gives no option of talking to a person or a 'computer says no' response or a call handler without time or inclination to listen, or a system that fails to record what may be distressing circumstances and forces the customer to repeat themselves at every point of contact, can create a spiral of stress and difficulty resulting in detriment."<sup>43</sup>

### **There are examples of positive action being taken to ensure platforms are accessible.**

The Legal Ombudsman (LeO), for instance, has an accessible website with many features available to vulnerable consumers making complaints. LeO offers leaflets in various languages, provides a minicom service for those hard of hearing and has all information accessible in formats such as Easy Read, Braille and Browse Aloud.<sup>44</sup>

One FCA study noted that firms' actions during interactions had a significant impact on customer satisfaction. For instance, where the customer believed they had a trusted relationship with the firm, they also thought it could better meet their long-term needs and

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<sup>38</sup> *Ibid*, p.4.

<sup>39</sup> *Ibid*, p.4.

<sup>40</sup> Solicitors Regulation Authority, '[Reasonable adjustments in the provision of legal services](#)', October 2019, p.9.

<sup>41</sup> *Ibid*, p.8.

<sup>42</sup> Legal Services Board, '[Experiences of consumers in vulnerable circumstances with different legal services providers](#)', March 2017, p.4.

<sup>43</sup> Financial Conduct Authority (FCA), '[Occasional paper no.8: Consumer vulnerability](#)', February 2015, p.4.

<sup>44</sup> Legal Services Consumer Panel, '[Recognising and responding to consumer vulnerability: A guide for legal services regulators](#)', October 2014, p.34.

this encouraged them to remain with them.<sup>45</sup> Moreover, vulnerable customers who were already concerned or anxious about how their circumstances would affect the outcome of the interaction were put at ease when frontline staff acknowledged this.<sup>46</sup> Vulnerable consumers were further helped when staff actively guided them through processes. Even where an ‘ideal’ solution for the customer could not be reached, in some examples in the study, customers felt that alternatives offered or signposts to further support helped them avoid both monetary and non-monetary harm.<sup>47</sup>

Other bodies also found certain measures of assistance work particularly well with vulnerable consumers. The LSCP, for example, found that checking with support staff to see that a client will have someone to go to meetings with them or sending a short follow-up email summarising key points of a meeting can be a huge help.<sup>48</sup>

While the measures outlined in this section are encouraging, poor experiences for vulnerable consumers can still occur. Ensuring that all providers’ services are wholly accessible and as easy to use as possible will help continue to tackle this. **ACSO therefore recommends that legal-services providers ensure consumers are supported, comfortable and adequately informed throughout the duration of their legal journey.** The measures should include:

- Using plain English and no excessive jargon;
- Providing an easy to navigate website, equipped with accessible pages for those with disabilities;
- Making sure all communications are as accessible as possible in terms of language, presentation and format;
- Providing follow-up notes from meetings along with any necessary actions to be completed;
- Offering home visits for those who are not comfortable or who are unable to travel;
- Making initial contact with the client to outline what their legal journey will look like along with details of each session and what will be discussed in each; and
- Ensuring processes are in place to review regularly the vulnerability and capacity of each service user.

## Remote rehabilitation

Like so many things at the beginning of the pandemic, in-clinic rehabilitation treatment for thousands of patients ceased. This created a sudden need for digital rehabilitation services to be rolled out more widely.

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<sup>45</sup> Financial Conduct Authority, [‘Financial Lives: the experiences of vulnerable consumers’](#), July 2020, p.17.

<sup>46</sup> *Ibid*, p.17.

<sup>47</sup> *Ibid*, p.17.

<sup>48</sup> Legal Services Consumer Panel, [‘Recognising and responding to consumer vulnerability: A guide for legal services regulators’](#), October 2014, p.8.

While undoubtedly beneficial for many through the pandemic, remote services could be particularly helpful for many vulnerable consumers in the long term. For example, for those who have been mentally or physically injured in an accident after which they require rehabilitation, a remote service could reduce anxiety and relieve the pain that may arise when travelling to a clinic.

According to Minster Law, remote medical assessments for motor-related personal injury claims during lockdown had an overwhelmingly positive response from its customers. Asking them to rate their experiences of remote medical assessments, 78 per cent were very satisfied and 88 per cent recalled it was very easy.<sup>49</sup> Minster Law claims director Marcus Taylor said: “If customer are telling us they like using technology for remote medical assessments, our industry has a responsibility to respond, and look to digitise this and other parts of the claims journey. Nothing should be off the table.”<sup>50</sup> While for some vulnerable consumers face-to-face services will be preferential, for others a remote service will be more beneficial. By offering a remote option, providers can ensure they best cater to all.

In June 2020, the Chartered Society of Physiotherapy (CSP) and the University of Manchester carried out an evaluation of remote physiotherapy consultations during the pandemic in an attempt to understand better remote delivery. The survey highlighted that the main benefits included the flexibility of delivery, the ease of doing it from home, and an uninterrupted delivery throughout lockdown. While beneficial for the consumer, physiotherapists themselves also appreciated some of the benefits brought about by the remote services. Many said that it helped to save time and travel within the community and helped to prioritise urgent cases more rapidly, in turn helping to reduce waiting lists.<sup>51</sup>

While remote services will not entirely replace face-to-face services, clinicians can use virtual sessions to provide education and advice to help patients manage and improve their symptoms.<sup>52</sup> Analysis carried out by Ascenti revealed that patients are open to trying virtual physiotherapy. They note that of the patients who used virtual physiotherapy services, 92 per cent were satisfied with its effectiveness and 77 per cent would be ‘extremely likely’ to recommend the service to friends and family.<sup>53</sup> With many consumers supporting at least partial digitisation of some rehabilitation services, it should be continued into the post-Covid world to benefit those who need it most.

**While ACSO recommends maintaining remote rehabilitation as an option, it believes more quantitative research must be carried out to ascertain fully the consumer appetite for remote services and to ensure its many benefits are unlocked for those with certain vulnerable characteristics.**

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<sup>49</sup> Insurance Edge, [‘Virtual Assessments Are Working on PI Claims, Says Minster Law’](#), July 2020.

<sup>50</sup> Ibid.

<sup>51</sup> Chartered Society of Physiotherapy, [‘Shaping the future’](#), December 2020

<sup>52</sup> Ascenti, [‘Investigating the effectiveness of virtual physiotherapy’](#), June 2020.

<sup>53</sup> Ibid.

## Summary of recommendations



1. Collaboration, through data-sharing, lobbying and other means, is necessary to ensure consumers receive the best service possible.



2. Technology within the legal-services sector should be adopted with vulnerable consumers' interests at the forefront.



3. Consider making it mandatory for legal-services professionals to receive training on how to identify and meet the needs of vulnerable consumers.



4. Accessible legal services should be prioritised to ensure vulnerable consumers get fair access to justice.



5. Consideration of remote rehabilitation with more research must be carried out to ascertain fully the consumer appetite for remote services.

## Conclusion

Vulnerability, as defined in this report, is something most of us will experience at some point in our lives. At present, vulnerability can cause difficulty, stress and inequality. Improvements in the provision of services are therefore absolutely necessary and firms must better cater to and care for those with vulnerabilities.

There are ways in which the experience of vulnerable consumers can be enhanced to ensure they have better access to justice. These include: increased collaboration to encourage competition and best practice; technology that improves the experience of vulnerable consumers; better training for staff; and more accessible services both online and in person.

New opportunities will emerge for legal-services providers and others if greater attention is paid to the needs of vulnerable consumers. Vulnerability need not and should not be a barrier to access to justice.

## Further information

If you require further information, please contact:

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