

Guidance for Dealing with Vulnerable Consumers



Introduction

1. All agents who are members of or are registered with the TPO scheme, are obliged to acknowledge and cater for the needs of vulnerable consumers:
 - You must offer equal treatment of professional service that is consistent with fairness, integrity and best practice to any person, regardless of their race, religious belief, gender, sexuality, age, disability or nationality.
 - You must not be involved in any plan or arrangement to discriminate against a person or people because of their race, religious, gender, sexuality, age, disability or nationality.
 - You must offer suitable advice to meet the client's aims and needs.
 - Agents are expected to have in place satisfactory provisions for attending to the needs of vulnerable consumers.
2. These Guidelines are aimed at helping you to fulfil these obligations.

General Principles

3. For the purpose of these guidelines, vulnerability includes anything that may have an impact on a person's ability to make a sound decision, for example:
 - Unfamiliarity with or difficulty in understanding the house buying and selling process.
 - Physical disabilities.
 - Language barriers.
4. Consumers include actual and potential buyers, as well as your seller clients.
5. Whilst consumers have the ultimate responsibility for their own decisions, you have an obligation to ensure that each individual is given all the relevant information needed to make as informed a decision as possible in the circumstances.
6. You must be able to demonstrate that you have complied with these requirements in respect of all consumers.

Guidelines

7. Assessing the potential "vulnerability" of a consumer is, of course, a sensitive matter and, to a large extent, requires a judgement call. Staff should understand their obligations in this area and you should have in place appropriate procedures and relevant training to deal with such matters.
8. You should be willing and able to offer appropriate advice about the house buying and selling process to all consumers. You should not make assumptions about the degree of knowledge that a consumer has. If in doubt, spell it out. Be prepared to explain what you will do, and what other agencies (e.g. solicitor, surveyor, financial advisor, mortgage lender) will do. This is especially important with (but not exclusive to) first time buyers and sellers.
9. If the consumer in question appears to you to be vulnerable (see Paragraph 3) you must take this into account in any information or guidance you give them, particularly if any decision they make is based solely on that information or advice.
10. If any decision that they make has any legal connotations, you must explain that they should discuss this with their solicitor.
11. The key questions to ask yourself are these:
 - Were you aware that the consumer had any special difficulty?
 - If so, did you take this into account and provide the consumer with appropriate information and advice?