

March 2022



Spotlight



On Research and Campaigns

Hello all

You will have heard about the cost-of-living crisis, which is starting to hit people already, even ahead of energy price rises coming in April. This edition of Spotlight will highlight some real life stories about how this is impacting on real people's lives. We have been able to help some people through the Household Support Fund, but this is due to come to an end on 31st March and we are unsure what, if anything, will replace it.

The crisis is starting to have an impact on our services. In January 2022, CASL saw our highest ever demand, with Adviceline having 1,343 calls, compared to an average over 2021 of 758 calls per month. This is placing significant stress on our capacity, particularly as we are also trying to meet increased pressure on our face-to-face provision.

Sadly, you will also read about how scammers are targetting vulnerable at this particular time of need. We are on hand to advise and help people to ensure that they are not exploited.

Finally, there is the third part of Amelia's really interesting articles concerning the law and domestic violence. Well worth taking your time to read.

We are expecting the next few months to be really challenging for our communities and services, but CASL is here to help as best we can.

Thank you for your support.

Please do get in touch if you have any questions or ideas for future work.

Simon Richards

Chief Officer

Citizens Advice South Lincolnshire



The Cost-of-Living Crisis.

(Peter)

In recent months, increasing numbers of our clients have reported difficulties in managing to provide for themselves and their families. It is those people on the lowest incomes that have been hardest hit. There has been limited local help on offer in the form of Household Support Fund grants to those in most need, but the future of such schemes is uncertain.

Here are examples based on the recent experiences of our clients, looking at different topic areas:

Housing

Several clients report that private rented accommodation is difficult to access with landlords and estate agents often refusing to consider letting to those reliant on benefits to pay the rent. Clients also report that rents are increasing and that in many areas affordable rented housing is just not available.



Clients in rented housing can find living conditions far from ideal. A South Holland single mother renting a bungalow was finding it very expensive to keep warm for her young children as it had poor insulation and relied on electrical heating.

A migrant worker who contacted us said that he was seeking accommodation but unable to afford any of the privately let homes that were within travelling distance of his job.

Energy

CASL advisers have managed to help many clients struggling to afford gas and electricity by applying for help through the local Household Support funds. However, this can just be a short-term solution.

A disabled client and his family are dependent on benefit income as his partner is his carer. They were just about managing to pay the £90 per month Direct Debit to Scottish Power. The supplier contacted them to say that these payments were insufficient and raised the month charge to £350. The client says this is unaffordable but that he cannot reduce his usage as needs a warm home due to his health needs.

A client who is a carer for his disabled wife told us that British Gas were asking him to double his monthly payment from £75 to £150. The client is very worried about how they will manage this from their limited budget.

A couple bringing up a young family were just about managing on Universal Credit and the income from self-employment for one of them. They were shocked when their energy company demanded that they increase their monthly payments from £60 to £120. This leaves a shortfall in their budget, and they came to Citizens Advice to help apply for assistance with their bills from the local Household Support Fund.



Benefits.



A Grantham client was told that he was overpaid Tax Credits and that this would be recovered at £20 per month, to which he agreed. Recently he was contacted again and told that £127 per month would be taken from his Universal Credit payments. The client fears that he will not be able to pay bills for essentials if this amount is taken.

A retired Grantham client was helped by CASL with a Pension Credit claim early in January this year. 7 weeks later he had heard nothing and contacted Pension Credit by phone. He was told that claim processing was experiencing backlogs and that he would have to wait. In the meantime, he is experiencing financial hardship.

A single parent who works part-time claims Universal Credit. In one Universal Credit monthly pay cycle, she received two payments from work. This meant that her Universal Credit was drastically reduced. Although the payment should go back to normal in the next payment cycle the client is experiencing a shortfall in her overall income and problems with paying her bills.

Education

A single parent of a young child lives on Universal Credit income. She finds the money insufficient to cover her needs especially fuel costs in the winter months. She asked about getting help with school uniform jumpers and coat for her daughter as she cannot afford this from her income. Neither the school nor Lincolnshire County Council were willing to help.

Debt

We have increasing numbers of clients with debts that they cannot afford to repay. Sometimes the client is not claiming all the help on offer from benefits. A client from the Bradford area called the Help Through Hardship line. He reported several debts, including an arrears of Council Tax. The council were pursuing the client for the debt but never suggested that the client claim the Council Tax Support to which he was entitled.

Unfortunately, with prices due to outpace wage and benefit increases in the coming months, we can expect to hear from more clients in financial difficulty. It is hoped that the emergency support on offer now will continue for as long as it is needed.

Support on energy bills is “strange, complicated and untargeted”, says Citizens Advice

3 February 2022

Citizens Advice has responded to today’s announcement of a £693 rise to the energy price cap and measures outlined by the government to support people with their bills. This comes as the charity faces record demand for crisis support, with more people seeking its advice in January than at any point since the pandemic began.

Dame Clare Moriarty, Chief Executive of Citizens Advice, said:

“Today’s price cap rise means we’ll all see our energy bills rocket in April. Worryingly, even before these price hikes kick in, we are seeing record numbers of people needing crisis support like food vouchers.

“This is a strange, complicated and untargeted package of measures. It provides some relief for all households come April, but for people on low incomes who need it most there are far easier ways for the government to deliver support. If the government is serious about helping families facing the desperate choice between heating and eating it should use the benefits system.

“Energy rebates are a buy now pay later solution which only provide temporary relief later this year. And linking financial assistance to Council Tax will result in a complicated lottery that means support is not targeted at people who really need it.”



Millions already behind on bills and struggling to get by ahead of April’s hike

- Citizens Advice has warned its data is at [‘red alert’](#) levels. More people turned to the charity for help in January than at any point since the pandemic began. Its advisers are helping record numbers with energy debt advice and referrals for crisis support like food bank vouchers and one-off charitable grants
- Nationally representative polling commissioned by Citizens Advice in January 2022 shows that huge numbers will be unable to afford April’s price cap rise:
 - More than one in seven (16%) would not be able to cover the anticipated average price cap rise of £60 per month. That is equivalent to around 8.5 million people
 - This rises to over a quarter (27%) of disabled people and more than a third (36%) of people on Universal Credit
 - Almost one in 10 (9%) are already in energy arrears, even before the price cap rise
- Today’s increase will affect at least 22 million households - nearly 80% of the national market - who are on the price cap

Energy Scams

(Sean)

A cost-of-living crisis continues to unfold around us. Inflation is rising, meaning that daily essentials are becoming more expensive. Energy prices are also set to rapidly increase, pushing the most vulnerable into hardship. With the attention on energy suppliers, scammers are set to make a move to capitalise on the crisis.

Which? are reporting that scammers are pretending to be energy firms in scam emails. Victims are being falsely informed that their energy bills are overdue and are advised to click on a link to make a payment. Following this link will take people through to a realistic, but fraudulent website that has been set up so that criminals can harvest financial information.



With the energy price cap increasing, it is likely that similar scams to this one will begin to emerge. Remember if you are ever in doubt about an electronic communication:

- Do not engage; do not click; delete
- Contact your energy provider through the contact details listed on their official website to check if they have made contact
- If you think you have fallen victim to a scam, contact your bank account provider straight away.

If you need advice and support around energy or scams, please contact adviceline (0808 278 7996) to speak to a trained adviser.

ActionFraud
 National Fraud & Cyber Crime Reporting Centre
 0300 123 2040

Domestic Violence and Society's Treatment of it Over Time

(Amelia)

This is the third part of our research on domestic violence and abuse.

Our September edition of Spotlight summarised the key legislative changes in our approach to domestic violence and abuse. Our December edition looked at some important moments in the Police and Courts handling of such situations and resulting changes in legislation.



This edition instances some key court cases from the past 30 years (Part A) which have influenced changes both in legislation and in social attitudes to domestic violence and abuse. Both national and international changes are considered. This is followed (Part B) by examination of the Defence of Provocation and the Defence of Loss of Control and consideration of attitudes to equality.

Part A

Sexual Offences

- R v R (1991)

This was a landmark decision, with the House of Lords overturning the principle that a wife consents to any sexual intercourse with her husband upon marriage. Previously, although not specifically regarded as such in legislation, marital rape was seen as acceptable in the eyes of some. This legal decision was cataclysmic in the realms of criminal justice and made much progress in changing societal attitudes towards rape, marriage, and sexual violence.

- R v Davies (1995)

Unsatisfied with the Crown Prosecution Service's decision not to prosecute, two sex workers brought a private prosecution – **the first successful private prosecution in a rape case**. The defendant was convicted of rape, indecent assault, false imprisonment, and Actual Bodily Harm. This case was significant in highlighting the issues with the CPS' decision-making when it comes to bringing prosecutions and paving the way for improvements to be made.

- Aydin v Turkey (1998)

This case established that an act of rape by public officials constituted torture under the European Convention of Human Rights. The due diligence principle, which holds that states are accountable for failing to prevent, investigate and punish acts of violence against women, was breached by Turkey for failing to pursue eyewitnesses to the complainant's rape. **By categorising such acts as human rights violations, states have a greater sense of consequence for failing to combat sexual violence, leading to much needed improvements when approaching sexual violence on the world stage.**

Sexual Offences Act 2003

Replacing the Sexual Offences Act 1956, the Sexual Offences Act 2003 modernised and adapted sexual offences. Section 1 defines rape, Section 2 defines assault by penetration, Section 3 defines sexual assault and Section 4 defines causing a person to engage in sexual activity without consent. The Act also sets out many child sexual offences. **A key provision of the Act is the definition of 'consent' in section 74 – 'a person consents if he agrees by choice, and has the freedom and capacity to make that choice'**. There has been much caselaw since on the meaning of this section, with *Assange* (2011) holding that the removal of a condom during sex could not amount to an 'agreement by choice' and therefore could vitiate consent. This Act has been vital in modernising the law's approach to sexual offences, in line with changing societal attitudes and a greater understanding of the meaning of consent.

- MC v Bulgaria (2005)

In this case, the court held that any prosecution of sexual offences that required there to be proof of physical resistance would lead to state authorities violating the rights of victims by failing to protect them from inhuman or degrading treatment under Article 3 of the ECHR. This was significant, as it moved away from the assumption that just because a victim of a sexual offence did not protest during the offence, they must have consented. **It is now understood that often a victim will freeze up from shock or fear, so physical resistance to the attack is irrelevant in their ability to consent. This decision made much progress in the way in which state authorities prosecute rape and the way 'consent' is perceived.**

Part B

Homicide

This section will focus on the caselaw and legislation surrounding women who kill their partners after years of suffering domestic abuse at their hands. It is important to place this into context. The Women Who Kill report found that from 2008 to 2018, 108 men were killed by female partners/ex-partners in comparison to 835 women who were killed by partners/ex-partners. Here, we have focused on female domestic abuse victims who kill in order to look at the ways in which society handles women who take radical action after years of suffering from domestic abuse.

The Defence of Provocation

The Homicide Act 1957, section 3 set out that a defence of provocation could be found where a person was provoked 'by things done or by things said or by both together' which leads to a loss of their self-control. The question of whether the provocation was enough 'to make a reasonable man do as he did' was to be left to the jury. The effect of this defence was to reduce a conviction for murder to manslaughter, which could have a significant impact on the sentence handed down. This defence became crucial for victims of domestic violence, and there was much case law that expanded the concept of provocation.

- **R v Ahluwalia (1992), R v Humphreys (1995) and R v Thornton (1995)**

In each of these three cases, the female defendant was initially convicted of murder. Each one had killed her husband after years of suffering abuse and violence.

Successful appeals were based partly on acceptance that provocation could be “slow burn” rather than an instantaneous reaction – and partly on acknowledgement of the vulnerable mental health state of each defendant.

The Defence of Loss of Control

The Coroners and Justice Act 2009 in sections 54-56 abolished provocation and introduced the defence of loss of control.

It established that the act or omission must have resulted from the defendant’s loss of self-control, regardless of whether or not the loss of control was sudden and that there must have been a qualifying trigger which constituted circumstances of an ‘extremely grave character’ and caused the defendant to have a ‘justifiable’ sense of being ‘seriously’ wronged.

The defence specifically disregards sexual infidelity as being a qualifying trigger. The defence is judged objectively, taking into account whether ‘a person of D’s sex and age, with a normal degree of tolerance and self-restraint and in the circumstance of D, might have reacted in the same or in a similar way to D’.

The provocation defence was often accused of focusing too much on anger, making it more applicable to men than women whose loss of control often depends on fear. This is addressed in s55(3), which sets out that the defence applies even if the defendant’s loss of self-control was ‘attributable to D’s fear of serious violence from V against D or another identified person’.

This enabled the defence to target more cases where the defendant has been a victim of domestic violence, removing the suddenness requirement under the old provocation defence.

- **R v Challen (2019)**

This case was majorly significant in advancing our understanding of domestic violence as more than just ‘physical’. The wide media coverage of this case has led to a greater understanding of coercive control, and a greater sympathy for victims of domestic abuse who kill.

At trial, Challen’s guilty plea to manslaughter on the grounds of diminished responsibility after prolonged abuse was not accepted and she was convicted of murder.

Her appeal succeeded. Fresh medical evidence showed that she had been suffering from two previously undiagnosed disorders at the time, and a report from a sociologist described her abuse as ‘coercive control’. It was held that although coercive control is not a defence to murder, it is relevant in the context of considering loss of control and diminished responsibility and the lack of understanding around coercive control at the time had led to this not being properly advanced.

Male Victims

As society's understanding of the definition of 'domestic abuse' changes, so does our understanding of who 'victims' of domestic abuse are. The belief that domestic violence victims must be women is beginning to change, particularly as domestic violence is seen to be more than just physical. Male victims do not always perceive themselves as being abused, often due to societal expectations of masculinity; that men must be strong, fearless and the 'dominant' one in the relationship. There are also less resources available to men, and for many years disbelief that there could be male victims of domestic abuse, leading to a lack of response from authorities. This has led to underreporting, which means it is difficult to understand precisely how many male victims of domestic abuse there are. There has been progress in recent years with the extension of the definition of domestic abuse and organisations set up to specifically help male victims, such as the Men's Advice Line and ManKind UK. There is more that can be done to encourage the reporting of male domestic abuse, particularly regarding still-held beliefs of what is 'masculine' and cultural shame associated with being 'male' and a 'victim'.

Equality

Tackling domestic violence does not just depend on direct legislation or procedure, it is dependent on the way society perceives marginalised groups. Violence against women has historically been accepted due to the perception that women must be subservient to men - 'obeying' them – and the price a woman would have to pay for not doing so. The significance of legislation such as the Abortion Act 1967 indicated a change in society's perception of women, enshrining the most basic of rights, the freedom to choose, in law. Strides have been made in the workplace, with much legislation targeted at equal pay, equal treatment and combating discrimination. Depictions in the media have moved away from objectification and stereotypical portrayals of 'the wife', 'the mother', 'the mistress', 'the temptress'. A change in societal attitudes can lead the way to a change in the way victims of domestic violence are treated, as well as combating this violence starting in the first place.

In 1948, the Universal Declaration of Human Rights was enacted, followed by the European Convention on Human Rights in 1951 (enacted through the Human Rights Act 1998). The significance of these documents cannot be understated- states committing to enshrining the values of equality, dignity, and liberty amongst all people. *A.T. v Hungary* (2005) showed that states would be held accountable for not upholding these rights. Legislation in Recommendation No.19 of the UN Committee on the Elimination of Discrimination Against Women was reinforced here. It recommended that **states must take action and have effective remedies in place for family violence and abuse, sexual violence, and gender-based violence.**

Although equality has not yet been fully achieved for all marginalised groups, changes that have brought about more equal treatment have been, and must be, the way forward for tackling domestic violence on both the domestic and world stage.

Whilst there is much more work to be done to tackle domestic violence, it is worth reflecting on the substantial changes that have been made that have made improvements to victims' lives and tackling domestic abuse for good. It is hoped that even more can and will be done to erase the spectre of domestic abuse, against both women and men, from society.

Find us on Social Media.

(Sean).

The new year has yet again seen our social media audience increase. We are now followed by to 714 people/organisations on Twitter and our content has reached over 7,000 people. There are also 173 people who either like or follow our Facebook page.

In addition to this, our Facebook and Twitter are still important in sharing information about developing Research and Campaigns issues through our very own bulletins. Recent releases are around romance fraud and fake text message scams.



You do not need to have an account to see either of our Twitter or Facebook pages. They can both be accessed at www.citizensadvicesouthlincs.org.uk by clicking on the speech bubbles in the 'connect with us' box on the website homepage.



Evidence forms 3 months to February 28th 2022.

These are forms filled in, electronically, by our assessors/advisers after interviewing any client who comes to us with an issue of unfairness. The forms are monitored both by the CASL Research and Campaigns team and by national Citizens Advice. The issues are in order of number of Evidence Forms received during these months.

Type	Number
Housing	17
Universal Credit	13
Benefits	12
Employment	12
Consumer	10
Health	8
Utilities	7
Debt	6
Immigration (3 EUSS)	5
Other (3 food bank)	4
Travel	4
Education	3
Legal	2
Finance	1
Discrimination & Hate	0
Tax	0
Relationships	0
Total	104

Contact us.

We hope you found this edition of Spotlight of interest. If you wish to contact the Research & Campaigns team with questions or comments, please use the email, impactofficer@citizensadviceouthlincs.org.uk.