

# Citizens Advice

## Social policy impact report 2011/12



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# About us

## What we do

The Citizens Advice service helps people to resolve their problems. As the UK's largest advice provider we are equipped to deal with any issue, from anyone, spanning debt and employment to consumer and housing, plus everything in between.

In the last year alone, the Citizens Advice service helped 2 million people with almost 7 million problems. But we're not just here for times of crisis – we also use clients' stories anonymously to campaign for policy changes that benefit the population as a whole.

## How we're structured behind the scenes

Citizens Advice Bureaux deliver advice services from almost 3,500 community locations in England and Wales, run by 360 individual charities. Citizens Advice itself is also a registered charity, as well as being the membership organisation for bureaux. Together we make up the Citizens Advice service. Of the 28,800 people who work for the service, 22,200 of them are volunteers and 6,600 are paid staff.

Through the training, information systems and operational support it provides, Citizens Advice equips bureaux to deliver the highest quality advice to their local residents. In turn, client evidence submitted by bureaux alerts Citizens Advice to widespread problems that require action at a national level.

## How the public knows us

The Citizens Advice service offers information and advice through face-to-face, phone and email services, and online via [Adviceguide.org.uk](http://Adviceguide.org.uk). As well as from their high street premises, Citizens Advice Bureaux make face-to-face advice available from other locations including community centres, doctors' surgeries, courts and prisons.

## Adviceline – our telephone service

Adviceline is now live across Wales as a bilingual service and is being rolled out across England. Callers are able to listen to recorded information, transfer to other helplines and/or speak to a CAB assessor. To find out more about Adviceline visit: [www.citizensadvice.org.uk/getadvice](http://www.citizensadvice.org.uk/getadvice).

The Adviceline numbers are:

England: 08444 111 444

Wales: 08444 77 20 20

# Introduction

Since its inception in 1939, the Citizens Advice service has not only helped people resolve their problems, but also has campaigned to ensure these problems are tackled at the root cause. Despite our limited resources, we estimate that we helped up to 5.6 million people through our policy work in 2011/12.

During this year, a significant proportion of our staff resources, both nationally and at local level have been focused on lobbying on pieces of legislation and communicating the impact of change on our clients and services. The Welfare Reform Bill and the Legal Aid, Sentencing and Punishment of Offenders Bill particularly involved extensive analysis, briefing parliamentarians and local campaigning. Both these Bills resulted in extensive defeats for the Government in the Lords, highlighting the strength of feeling about aspects of the proposals.

Whilst we gained some concessions from Government on both pieces of legislation, we were unable to change the direction of travel to cuts on public expenditure. Our next challenge will be monitoring the impact of implementation, and where possible, working to mitigate the worst impacts for our clients.

It is also a challenge to persuade the coalition Government on the need to provide statutory regulation to protect consumers against unfair business practices, because it believes deregulation will stimulate growth particularly for small businesses. Whilst the Government agreed with us that private parking firms needed to improve their practices, they felt that self regulation was the best way to do so. In contrast, they have taken a firmer stand on the future regulation of consumer credit.

Looking ahead, we will have more resources for both national and local policy work and consumer education. In April 2012, the Government announced that Citizens Advice would be given the general advocacy functions of Consumer Focus and the consumer education role of the Office of Fair Trading from April 2013. With consumer advice, advocacy and education all under one roof, consumers will get a holistic service that helps them resolve their problem, learn how to avoid similar issues, and get involved in making sure the same thing doesn't happen to others.

An estimated  
**5.6 million**  
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2011/12

# Benefits and tax credits

## The Welfare Reform Act 2012

### What was the problem?

The Welfare Reform Bill contained a complete transformation of the whole means-tested benefits and tax credits system for people of working age. It also made changes to contribution based employment and support allowance (ESA), replaced disability living allowance (DLA) with a new personal independence payment (PIP) and replaced national systems for council tax benefit and the discretionary social fund with reduced localised support systems. The reforms were driven by three aims:

- Increase work incentives and make work pay.
- Simplify the benefits system.
- Save money.

Not only is entitlement changing, the legislation will also change how the benefits are claimed and paid.

Whilst the design of universal credit (which will replace means-tested benefits and tax credits) will have clear advantages for claimants, particularly when changing working and earning patterns, other measures such as the overall benefit cap, localisation and cash-limiting of council tax support and time limiting of contribution based ESA will have huge negative impacts on many people.

It should also be noted that some major benefit changes have taken place outside and ahead of the Welfare Reform Bill – notably cuts to housing benefit introduced in April 2011 and January 2012.

### What did we do?

This issue has dominated our work over the last two years. We responded to consultations on different aspects of the welfare reform proposals, gave written and oral evidence to Select Committee inquiries and took part in workshops, seminars, meetings of MPs, peers, officials and Ministers.

We re-established a consortium of organisations to coordinate lobbying during the passage of the Bill through both Houses of Parliament.

We prioritised lobbying on the Bill on the following issues, in order to make the most impact:

- The six month qualifying period for the PIP which replaces DLA (where the qualifying period is currently only three months).
- The introduction of a 12 month time limit for claimants of contribution based ESA who are placed in the work-related activity group (WRAG).
- The impact of universal credit on key groups of disabled people.
- Council tax benefit should be included in universal credit rather than support localised and cash-limited.
- Localisation of the discretionary social fund.
- Support for housing costs within universal credit.
- The introduction of an overall benefit cap.
- The impact of a harsher sanctions regime.
- The impact of payment frequency and methods.
- Passported benefits under universal credit.

We worked with MPs and peers to put down amendments and provided extensive briefing for debates. We have issued press releases and done significant media work to highlight the welfare reform issues of greatest concern to us.

Our Bill briefings highlighted the general unfairness of cutting off entitlement to contribution based ESA for claimants who continue to meet the criteria as unfit for work. At a meeting with Welfare Reform Minister, Lord Freud we highlighted the position of those who have a deteriorating condition, have a year in the WRAG and then their benefit stops because of time limiting – the proposals meant that they would not re-qualify for ESA (contribution based) when their condition deteriorated to the extent that they would qualify for the support group. Following this discussion, we sent him a draft amendment which would rectify this situation and allow them to re-qualify for ESA (contribution based) when eligible for the support group.

In our briefings on PIP, we highlighted the negative impact of the longer qualifying period for the payment. This would cause considerable hardship and debt for people at a time when they already face a substantial drop in income at the onset of long term sickness or disability.

We highlighted the impact of imposing a benefit cap on out of work households, including increasing indebtedness and homelessness. The majority of the households affected will be exempt from the requirement to actively seek work due to caring responsibilities, sickness or disability, and will not therefore be able to escape the cap by finding work. It would also immediately affect those who had to give up work to claim benefits for reasons such as redundancy or sickness.

We researched and wrote *Right first time? CAB study of the accuracy of work capability assessments* in January 2012. Whilst this is about the current regime, the findings were invaluable in debates on



the need for medical evidence for the new PIP assessments. The accuracy of medical assessments will also be more important both for time-limiting ESA and also in assessing support for disabled people within universal credit.

We used our extensive collection of client evidence on benefit sanctions to highlight how their use can be inappropriate or ineffective, to highlight the negative impact on vulnerable people and the need for safeguards. We worked with others to highlight the unfairness of the Government's proposal to recover hardship payments and maintain the sanction once the claimant was working.

We have given presentations on welfare reform to help a range of audiences understand the likely impact on their organisations and customers, including housing associations. We also organised seminars for creditors and fuel suppliers.

In July 2012, we worked with the Children's Society and Disability Rights UK to publish an analysis of the impact of universal credit on disabled people in particular situations and to support Baroness Grey-Thompson to chair an inquiry in the House of Lords. At the inquiry eight disabled people gave evidence of the impact of these changes on someone in their situation. We also launched an online survey to gather detailed information about the costs of disability on people in these situations.

We participated in the Hardest Hit march in October 2011, which aimed to highlight the impact of benefit and social services cuts and welfare reform on disabled people.

We met with officials working on payment issues to highlight the problems our clients experience with budgeting (particularly moving from several payments at different intervals to one monthly payment) and accessing and using transactional banking services. We gave officials an analysis of our evidence of banks' use of the right of set off to recover other debts. In meetings with banks, we discussed the need for better banking products for universal credit claimants.

We have also highlighted to officials the challenges some people will face with claiming universal credit online.

### **What did bureaux do?**

Using template letters to parliamentarians and model press releases on different aspects of welfare reform – particularly the qualifying period of PIP, localisation of council tax support and the social fund and time-limiting of contribution based ESA – bureaux highlighted their concerns about the impact of these changes on their clients.

Many bureaux have used the *Paying the rent* toolkit we produced to help them work with their local authorities to mitigate the impact of housing benefit cuts on clients and their families.

Bureaux promoted our disability survey to clients and found us excellent case studies to use in our lobbying work.

Bureaux have been working with their local authorities as they assess the impact of welfare reform on their residents and as they devise the schemes for support for council tax and social welfare assistance (to replace the discretionary social fund).

## What were the outcomes?

We were not successful on every issue, but we did secure a number of changes in legislation and policy:

### Time-limiting contribution based ESA:

Whilst the Government was not prepared to rethink its proposal to introduce time-limiting of contribution based ESA, the Government accepted our amendment to ensure that those with deteriorating conditions did not lose out. The amendment ensures that on entering the support group from the WRAG, a claimant who had used up contribution record in the WRAG but had continuous sickness would be entitled to contribution based ESA again.

**Benefit cap:** The Government agreed to a grace period before the benefit cap is applied to a family. This means that when someone loses their job or becomes too ill to work, they will have nine months before the cap will be applied to their benefit. The Government has also offered extra financial help to help with 'hard cases'.

**Qualifying period for the personal independence payment:** The Government amended legislation to allow a three month period to qualify for PIP. However, it requires the claimant to be likely to be disabled for nine months instead of the current six.

**Discretionary housing payments:** The Government agreed to boost the budget for discretionary housing payments to help compensate those people who will be particularly adversely affected by housing benefit changes and the imposition of the benefit cap.

**Sanctions:** The Government committed itself to continue to work with client representative groups like ourselves to ensure that vulnerable claimants are not disadvantaged. The Government has agreed to cease recovery of hardship loan payments once the claimant has been working for three months.

**Council tax:** The Government conceded on the record that the definition of housing costs in the Bill was wide enough to incorporate council tax into universal credit, should a future Government wish to do so. This could be important if implementation of the localised cash-limited scheme is as fraught as many expect.

## What still needs to be done?

Whilst the Welfare Reform Bill has now received Royal Assent, there is still lots to do. We need to feed in comments on the detail of welfare reform, including the findings of our disability survey in advance of secondary legislation being published later this year.

We will continue to work with officials on operational design and roll-out. We will need to work with a number of Government departments on setting eligibility criteria for key passported benefits such as free school meals, free prescriptions and remission of court fees.

We are continuing to monitor the impact of reforms that have already been implemented, such as housing benefit cuts and time-limiting of contribution based ESA.

We are aware that the benefit budget is at risk of further cuts and we will continue to lobby to protect the incomes of the most vulnerable people.

# Benefits and tax credits

## Other achievements

### **Faster child benefit claim process for European Economic Area (EEA) nationals**

Following our report of December 2010 which highlighted the very long delays for EU nationals claiming child benefit for the first time, we continued to help HMRC identify where delays are occurring and press them to make improvements. The process takes longer because HMRC needs to gather more information from these claimants so that they can make necessary checks from the claimant's home country.

In spring 2012 HMRC made available to advisers the special form that they usually send to claimants from other EU member states after receipt of their initial application. This means that people in this situation who seek advice can complete the extra form and submit it along with the initial application form, thus cutting out one stage of the process.

Though an important step, this will only make a difference to claimants who seek advice before their make their application – we are continuing to highlight the wider issue of delays for this group of claimants.



Library photos posed by models © John Birdsall/Press Association

# Benefits and tax credits

## Bureaux successes

### Coventry CAB highlights the need for escalation numbers for ESA claims

The Macmillan team at Coventry CAB were seeing major problems with ESA claims handling, including not being able to get through to the contact centre, inconsistent information, call-backs that did not happen in the allocated times and contact centre staff who were unaware of the regulations relating to terminally-ill claimants.

The bureau requested contact details for supervisors at the contact centre for claims and for processing, but got no response. After escalating the issue via Citizens Advice and Macmillan policy teams, the bureau was given the opportunity to present evidence to regional management team at DWP. This secured a vital escalation contact.

Thanks to the escalation number, the Macmillan team, instead of spending up to three hours chasing a query, can resolve issues in under an hour. The team dealt with 617 clients last year: a saving of three hours per client equates to 50 weeks of caseworker time or potentially 400 more clients.

### Enfield CAB persuades its local council to comply with the law in relation to EU citizens and housing benefit

Enfield CAB took action after noticing that its local authority was applying the law incorrectly in relation to EU national benefit claimants. EU nationals may have to wait in excess of 12 months for their child benefit (CB) claims to be processed. At the same time if they were also applying for housing benefit (HB) in Enfield, they were being told that until their CB was awarded, allowances for dependant children could not be included in the calculation of their HB entitlement – and therefore they were entitled to less or no housing benefit. Together these issues were creating severe financial difficulties for clients from the EU.

The bureau sought specialist advice which highlighted that in insisting that CB be in payment first the local authority was imposing an additional requirement not in the regulations.

A letter was prepared and circulated internally among the HB decisions staff and the issue was also presented at the quarterly Benefit Liaison team meeting held in Enfield Council. As a result the council's housing benefit department has conceded the point made by the bureau and amended its policy.

# Consumer

## Parking and the Protection of Freedoms Bill



### What was the problem?

In 2010, the coalition Government announced that it was banning the use of clamping and towing to enforce breaches of parking rules on private land. In the summer of 2011, the Protection of Freedoms Bill which contained these provisions, was published. However, the Bill also repealed the regulations on signage, proportionate charging and an alternative dispute mechanism for consumers, which were introduced in the Crime and Securities Act 2010. This would leave consumers with no means of challenging unfair charges and practices other than court action.

### What did we do?

Whilst Citizens Advice welcomed the Government's announcement to ban clamping and towing for breaches of parking on public land, we were concerned that there would be no means for consumers to resolve disputes about charges, signage or have a means of resolving their dispute with the parking company.

We worked in partnership with Consumer Focus and the Trading Standards Institute on the Bill, as they shared our concerns. Together we met with the Bill Team, wrote joint briefings for MPs on the Bill and issued press releases. Together with the British Parking Association (BPA), the main trade body for private parking enforcement firms, we wrote to Ministers asking them to commit to work with consumer organisations, the parking industry and the Driving Licence Licensing Authority (DVLA) to develop independent alternative dispute resolution (ADR) to resolve disputes about parking on private land.

We responded to the Law Commission's consultation on extending redress for misleading and aggressive practices under the Consumer Protection from Unfair Business Practices Regulations 2008 (CPRs), where we agreed with the Law Commission that the scope of the CPRs covered non-contractual demands for payment such as demands for payment for breach of parking rules on private land.

During the latter part of 2011, we met several times ourselves with officials from the Home Office and the Department for Transport to discuss how the Bill could tackle rogue practices, but they were unwilling to do much other than the proposals in the Bill. We met with the BPA to discuss its proposals for a dispute resolution service for members. We also issued a pre-Christmas press release to warn shoppers about potential parking problems.

When the Bill reached the Lords, we briefed peers at all stages of the Bill and worked with Baroness Royall on amendments to the Bill which would provide comprehensive out of court dispute resolution. We also met with other Lords who shared our concerns and could take them forward. We wrote to Lord Attlee, as the Government representative in the House of Lords who was responsible for the parking part of the Bill about the need for dispute resolution for enforcement of parking rules on private land.

We have also worked with the BPA on its ADR proposals for its members and the revision of their code of practice. We called for the BPA code to include commitments about signage and charges that ensure that BPA members treat their relationship with the parking public as a contract.



### **What did bureaux do?**

We contacted bureaux whose MPs were on the Bill Committee to ask them to write to their MP to highlight local concerns about enforcement of breach of parking rules on private land and the need to provide independent ADR processes for disputes.

### **What was the outcome?**

Although the Bill was not amended to require all parking firms to provide independent dispute resolution processes, the Government committed to ensure that the BPA set up an independent appeals process for its members to be ready in time for the new Act to come into force on 1 October 2012. This is because the Act allows registered owners of vehicles to be held responsible for unpaid parking charges if the driver fails to pay.

Our input into the BPA code of practice resulted in commitments to ensure that charges made for breaches of parking rules relate only to damage suffered and to ensure that signage is clear.

### **What still needs to be done?**

The Government has agreed to revisit regulation of the whole private parking sector if there is evidence of continuing problems. We will need to monitor both the impact of the BPA code of practice and ADR process and how parking operators who are not members of the BPA treat breaches of parking rules on private land once clamping and towing is banned.

We expect that the Consumer Rights Bill, which will be in the 2013 Queen's Speech, will contain provisions to allow consumers a right of private redress for misleading and aggressive practices, including those commonly experienced by consumers parking on private land.

# Consumer

## Other successes

### Office of Fair Trading work on home improvements

In 2010, the OFT decided to undertake research to provide a better understanding of consumer detriment in the home repairs and improvements sector, as consumer complaints on this issue were high. We were asked to be on the project strategy group informing the research.

The research made a number of recommendations about consumer and business education work that would improve behaviour and standards in the market. We welcomed the research, but were concerned that the OFT would not take any further action on such a key cause of detriment for consumers. We persuaded the OFT that the actions identified in the research were necessary to tackle consumer detriment. We worked with the OFT and other key stakeholders on a toolkit to help Trading Standards and other organisations in their work with consumers and businesses in the home repairs and improvements market, including leaflets for business on how they could comply with the law and a guide for consumers on home improvement projects. This was launched in March 2012.

### Wiltshire bureaux educate the public on will writing firms

The county Trading Standards Service attended a meeting of Swindon social policy cluster group amid concerns over dodgy will writers who prey on the elderly offering services for £60 but ratcheting up prices to £3,000. Wiltshire Citizens Advice circulated posters for waiting rooms and GP surgeries to warn about the scams.



# Credit and debt

## Future of consumer credit regulation

### What was the problem?

The 2006 Consumer Credit Act, which included new enforcement powers for the consumer credit regulator, the OFT, was billed as a “once in a lifetime reform”. Although the OFT swiftly began to use its new powers to obtain undertakings from firms, it became clear that these were not sufficient to tackle emerging bad practices and unscrupulous firms in the consumer credit market. In particular, the lack of both timely and effective enforcement by the regulator and collective redress powers meant that the consumer credit regime offered a weak and limited deterrent to bad practice.

One of the coalition Government’s commitments was to reform the system of financial regulation in the UK. As part of this work, it wanted to ensure that the consumer credit regulatory regime was fit for the future. In December 2011, HM Treasury and the Department for Business, Innovation and Skills (BIS) issued a consultation on the future regulation of consumer credit.

### What did we do?

Our response to the consultation stated that the new consumer credit regulatory regime should be based on the best of both the current Financial Services Authority and the existing consumer credit regimes. In late July 2011, we were approached by HM Treasury staff working on the reform of financial regulation to see if we could provide evidence of the failures of the existing regime to help them make the case for change.

We agreed to use our evidence base to research and write up a number of detailed case studies showing the level of consumer detriment caused by insufficient regulation of consumer credit. These included payday lending, credit brokerage and bills of sale and a snapshot of one month’s evidence on all consumer credit and debt issues. As we were also concerned that important consumer rights and protections in the Consumer Credit Act could be lost if the consumer credit regime transferred to a new regulator, we also produced a case study showing the benefits to consumers of rights such as time orders, unfair credit transactions and right to terminate hire purchase agreements early.

During the autumn of 2011, we gave written and oral evidence to the BIS Committee inquiry into debt management. We were able to outline our views on what needed to be done to improve regulation of the consumer credit market. We also gave evidence to the All Party Parliamentary Group (APPG) for Debt and Personal Finance inquiry into high cost credit and debt management.

We were concerned that sustained lobbying from the consumer credit sector might have convinced the Government to consider splitting regulation of consumer credit. Gillian Guy therefore met with the Ministers responsible for financial services regulation to outline why we believed that the Government should use the Financial Services Bill to transfer responsibility for all consumer credit regulation to the Financial Conduct Authority (FCA).

On 26 January 2012, the Financial Services Bill was published. It included provisions enabling a transfer of responsibility for consumer credit to the FCA, under the same legislative framework as other financial services, while retaining the existing consumer rights and protections in consumer credit legislation. As it was still not completely clear that the whole consumer credit market would be regulated by the FCA, our briefings for MPs on the Bill continued to make the case for a single strong regulator to police the whole financial services market. We also voiced concerns about the OFT's ability to police the market in the interim period.

We are participating in stakeholder working parties on the detail of the transfer and have met with the Financial Services Authority (FSA) teams working on the transfer of the consumer credit regime and on future regulation of second-charge loans.

## **What was the outcome?**

In March and April 2012, the Government amended the Bill, setting out the terms on which consumer credit would transfer to the FCA. The amendments also empowered the FCA to use any of the tools and powers it has under the Financial Services and Markets Act 2000 (FSMA), such as the power to impose unlimited fines and instruct a consumer credit business to suspend trading with immediate effect, to enforce the rights of consumers or the responsibilities of firms under the Consumer Credit Act (CCA).

In July, the Government announced that the Bill would be amended to give the OFT powers to suspend a licence with immediate effect where there is an urgent need to protect the interest of consumers.

## **What still needs to be done?**

We will still need to brief parliamentarians for the remaining stages of the Bill and work with Government, the FSA and the OFT to ensure that the FCA will properly protect consumers.



# Credit and debt

## The Addressing Financial Difficulties good practice working party

### What was the problem?

The free-to-client debt advice sector believes that all creditors should do the right thing and help people deal with their debts in a way that suits their circumstances. But some debt collection practices can have dire consequences for people in debt: homes, possessions and essential services can be lost if they are persuaded to make debt repayments before paying for every day essentials; relationships can breakdown; and the health and well-being of individuals and their families can suffer.

In 2010 there was no definitive statement of best practice for debt collection that creditors could follow, although it was clear from our work with individual firms that some creditors and debt collectors were following good practice.

### What did we do?

In February 2010 we published *Do the right thing* – a report which used the experience of advisers from across the free-to-client debt advice sector and interviews with creditors to set out the advisers' view of best practice, and the five steps creditors should take to achieve it:

**Step 1:** Set the right organisational culture.

**Step 2:** Achieve the right motivation for debt collection staff.

**Step 3:** Develop clear and encouraging communications.

**Step 4:** Provide information and support.

**Step 5:** Be willing and able to maintain and develop best practice.

The report included practices from a wide range of creditors, including local authorities, housing associations, debt collectors, water companies, home credit providers, debt purchase companies and credit card providers. To take the ideas of the report forward, we convened a working party of representatives of the advice sector and the credit industry – which became known as the Addressing Financial Difficulties good practice working party, or AFD for short.

The group met a number of times to share ideas and decided to publish a further statement of best practice – *How to do the right thing* in October 2011, this time, involving best practice in the debt advice sector too. The work of the group was nominated for the Best New Money Advice Initiative award at the Credit Today Awards 2012.





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### **What was the outcome?**

The meetings of the group led to creditors from very different sectors meeting for the first time, sharing their own best practice and learning from what others have done. As a direct result many AFD members changed their practices in key areas – such as how they communicate with their customers and the way they support particularly vulnerable customers. As a direct result of their involvement with the AFD, one member (Shop Direct) developed a new Vulnerable Customers team that went on to win the Credit Today award for Corporate Social Responsibility.

The AFD itself went on to win the Best New Money Advice Initiative award at the Credit Today Awards 2012.

### **What still needs to be done?**

There is still a lot to do and the AFD continues to grow and include new members from different sectors – most notably solicitors that collect debt, local authorities and housing associations. The group has also supported the Money Advice Service in its development of new model for debt advice in the UK.

The group has agreed to continue to meet twice a year and share new examples of best practice.

# Credit and debt

## Other successes

### **The Office of Fair Trading takes enforcement action against Yes Loans and Logbook Loans**

In April 2012, Logbook Loans, a high cost lender giving credit secured by bills of sale on customers' cars, ceased trading after its appeal against the OFT's decision to revoke its credit licence was struck out by the First Tier Tribunal on the grounds that it was unlikely to succeed. Bureaux and Citizens Advice had submitted complaints to the OFT about the unfair debt collection practices of this company, including that it was enforcing agreements which it knew were unenforceable as they had not been drawn up in accordance with the Bill of Sale Acts.

In March 2012, the OFT announced that the credit broker, Yes Loans, and two linked companies were unfit to hold consumer credit licences. We had submitted extensive evidence to the OFT about Yes Loans following our super-complaint in March 2011 about cold calling and up front fees charged by credit brokers.

### **Bankruptcy forms**

In January 2011, bureaux were made aware by local county courts that they were no longer able to provide hard copy bankruptcy petition and statement of affairs forms to court users. Instead, people wishing to petition for bankruptcy would be expected to download their own forms from the Insolvency Service's website. Courts were also telling people that if people could not do this, they should go to local bureaux to obtain them. This was a cost-cutting measure by the Courts Service.

The court also requires the petitioner to take three copies both of the petition and the statement of affairs with them when they go to court for their bankruptcy appointment. As the statement of affairs was about 30 pages long, this was a substantial cost to individuals and hard-pressed advice agencies.

We raised concerns about costs with the Insolvency Service. Whilst we were unable to broker an arrangement for the Insolvency Service to send bureaux a pack of paper bankruptcy forms, they agreed to print out a form on request if a call was made to their enquiry line.

### **Office of Fair Trading guidance takes into account our policy work**

In October 2011, the OFT published a revised version of its debt collection guidance. CASHflow, the process of assisted self-help which resulted from our 2008 report, *With a little help from my friends*, was noted in the revised guidance at paragraph 3.9c and footnote.

In November 2011, the OFT published its new guidance for credit brokerage and intermediaries. It addressed a number of the issues highlighted in our March 2011 super-complaint about cold calling and up front fees charged by credit brokers, including cold calling by telephone or text without the consent of the borrower and taking up front fees from a borrower's bank account without the prior informed consent of the borrower. Although the OFT was already drafting the guidance when we issued our super-complaint, they used the material we provided and other issues which came up during their investigation to put into the guidance.

# Credit and debt

## Bureaux successes

### Newcastle CAB's works with its local authority and bailiffs to improve debt collection

Over the last two years the number of people seeing a specialist CAB debt adviser about Newcastle council tax arrears went up by nearly 300 per cent. And the number of people experiencing problems with bailiffs has increased markedly too.

The CAB took a two pronged approach – it asked the council to work with it so that they could help people negotiate affordable payments over a reasonable time, and also highlighted where clients had experienced problems with private bailiffs working in the council's name.

In response to issues raised by the CAB, the Council has signed up to a good practice protocol on the collection of council tax and since then the CAB and the council have:

- Set up a hotline so advisers can get straight through to someone who can help.
- Agreed to put a hold on bailiff action where a CAB is helping someone with council tax arrears.

- Held 13 joint surgeries offering advice to people with council tax arrears.
- Held two workshops on good practice for working with debt advisers.
- Set up a shadowing programme so that CAB debt advisers could see council staff at work, and council staff could visit the CAB and learn about our work.
- Reviewed cases where CAB clients had problems and complaints about bailiffs working on the council's behalf.

Working with their local authority to ensure that bailiffs are used only as a last resort has earned Newcastle CAB debt advisers national recognition for their social policy work this year. The special Performance Award granted by the Institute of Money Advisers was given to the Newcastle CAB team in recognition of their work helping hundreds of local people with council tax debts and problems with bailiffs.

### Aldershot CAB educates the public on the cost of borrowing

Aldershot CAB saw several cases of bad practice by payday loan companies that had given loans to vulnerable clients. With local partners, Rushmoor Borough Council, First Wessex Housing Association and the Credit Union, the CAB organised a day of action in the local shopping mall. As well as giving out information and advice, the organisers put on a 'taste-testing' to see if people

could tell the difference between expensive and cheap chocolate, and own-brand cola and 'the real thing'.

There was a high level of interest from the public during the day. Not only was the bureau able to get across key messages on budgeting and borrowing, it also recruited a potential adviser!

# Employment

## Employment tribunals

### What was the problem?

When someone brings a case to an employment tribunal, winning the case is only one step on the way to a successful outcome. Employment tribunals have no powers to enforce their own awards, so if the employer refuses to pay, the claimant can only enforce it by complex, time-consuming and expensive legal action in the civil courts.

Following years of campaigning by Citizens Advice, in 2010, the Ministry of Justice implemented reforms which would allow individual claimants to use High Court Enforcement Officers to enforce non-payment of employment tribunal and Acas awards on their behalf.

### What did we do?

We wanted to monitor whether this reform was effective. Between 2010 and 2012, we repeatedly pressed a somewhat reluctant Ministry of Justice to collect and publish outcome data for the so-called Acas & Employment Tribunal Fast Track – the new enforcement regime for unpaid employment tribunal awards and Acas settlements introduced in April 2010 as a direct result of our 2008 report *Justice denied*. From this data, it is clear that the Fast Track regime has proved to be ineffective: fewer than one in five of those with an unpaid employment tribunal award paid the £60 fee to access the regime, and only 50 per cent of the unpaid awards that did enter the regime were successfully enforced.

As this data slowly emerged, therefore, we continued to raise the issue in discussion with Government officials and MPs, and in our responses to consultations (such as those on the employment tribunal reform, and the introduction of fees for employment tribunal claimants).

### What did bureaux do?

Bureaux raised this issue with their MPs and local media as part of their campaign in support of our April 2011 report, *Give us a break!* That report highlighted the widespread denial of paid holiday by rogue employers, and the inadequacy of the employment tribunal system as a remedy for vulnerable workers, not least due to the non-payment of employment tribunal awards by such employers.

### What was the outcome?

In June 2012, during the Committee Stage of the Enterprise & Regulatory Reform Bill, the BIS Employment Relations Minister, Norman Lamb MP, expressed strong agreement that both the rate of non-compliance with employment tribunal awards, and their enforcement, are unsatisfactory. Noting that “it is abhorrent for companies and employers not to pay awards that have been properly made by the tribunal”, the Minister expressed his desire to “look for ways to improve the situation”.

### What still needs to be done?

We plan to exploit this welcome ministerial recognition of the problem, and the opportunity for policy change provided by the Enterprise & Regulatory Reform Bill, to advocate urgent policy reform and propose realistic policy solutions.

# Essential services

## Cost of calling non-geographic numbers



### What was the problem?

Over the years government departments and businesses have begun to use 0800 (freephone) and 0845 (lo-call) numbers for their customers to contact them. However, these non-geographic numbers are only free or cheap when calling from landlines – mobile phone users have to pay. The costs are particularly onerous for people on the lowest incomes who are more likely to have a pay-as-you-go mobile phone.

### What did we do?

For many years the Citizens Advice service has highlighted the problems for clients resulting from the cost of calling non-geographic numbers from mobile phones.

Leeds CAB's 2008 report, *Hung up*, made a significant contribution specifically to highlighting the cost of making calls from mobiles. We worked with Leeds CAB to highlight to DWP and HMRC the costs of mobile phone calls to government helplines which used non-geographic numbers.

In late 2010, Ofcom issued a consultation proposing to simplify non-geographic number ranges and standardise mobile phone charges. We used the results of a survey of nearly 4,000 CAB clients to respond to the consultation. The survey found that this was a big problem for our clients who only had a mobile phone:

- 40 per cent of respondents had *only* a mobile phone.
- Of respondents who had only a mobile phone, 59 per cent had pay-as-you-go phones.
- 51 per cent of all respondents had called a government helpline in the previous six months, whereas 63 per cent of people who had only a mobile phone had done so.

- Of those who had only a mobile phone, 74 per cent had been put off calling either a government or other helpline because of the high call costs.
- 20 per cent of respondents who had only a mobile phone had asked their local CAB to call a helpline on their behalf because they could not afford to make the call themselves.

In our response we strongly supported Ofcom's proposals to make 0800 numbers free from mobile phones and to improve price transparency for non-geographic numbers, and called on them to implement price capping in order to achieve improved transparency. We also provided bureaux with a model response so that they could feed in results of their own surveys and local cases.

### What was the outcome?

In January 2010, DWP announced agreement with the main mobile phone companies that 50 of its claims helplines which use 0800 numbers would be free of charge to all users.

In December 2011, HMRC announced a new 0345 tax credit helpline number, to replace the 0845 number. Calls to 03 numbers are charged at local rates, including from mobile phones. The new number should benefit all the six million tax credit claimants who are likely to have to contact the tax credit helpline each year.

Ofcom has recently consulted again on the detail of their proposals on non-geographic numbering, but they are minded to make changes to reduce the cost of calling non-geographic numbers for mobile phone users. They will make a statement at the end of the year and service providers will have 18 months to implement any changes. Ofcom has told us that our evidence and statistics really helped to make the case for change on this issue.

# Essential services

## Other successes

### Basic bank accounts for bankrupts

Our 2010 report, *Called to account*, made the case for all banks to provide basic bank accounts to undischarged bankrupts. It called on banks and the Insolvency Service to work together on whether there was a potential risk in offering basic bank accounts to undischarged bankrupts. Although the banks met with the Insolvency Service to discuss this issue, agreement was not reached.

In the autumn of 2011, we undertook further research with advisers on the size of the problem and used the results to respond to an Insolvency Service consultation document on what could be done to improve access to basic bank accounts for undischarged bankrupts. We are currently waiting for the Insolvency Service to respond to this consultation.

### Smart metering – protection for consumers

Energy suppliers will need to fit smart meters in every home by 2019. These will allow consumers to better monitor their fuel consumption with a view to reducing it and energy companies will save money by being able to read meters remotely, update tariff information and switch from credit to pre-payment mode. However, it will also allow energy companies to easily disconnect customers who have not paid their fuel bills.

We participated in working groups on smart meters and responded to a number of consultations, including one on consumer protection guidance for fuel companies. Ofgem thanked us for our input and agreed to strengthen the guidance in some of the areas we suggested, including ensuring that communications materials are appropriate to the needs of customers.



# Legal

## Cuts to civil legal aid

### What was the problem?

The Legal Aid, Sentencing and Punishment of Offenders Bill was introduced to Parliament at the end of June 2011. It contained proposals to make substantial cuts to social welfare law categories of civil legal aid, including removing all benefits and employment cases (other than discrimination), most debt and education cases, most family cases and some housing cases from scope.

### What did we do?

Both Citizens Advice and bureaux played an active part in the Access to Justice campaign. The campaign managed to generate 5,000 responses to the Government's consultation on the future of legal aid – with many from bureaux. The campaign summarised the main themes of these responses in *Saving justice*, which was published in April 2011.

A member of staff from the Social Policy Campaigns team was seconded to work for the Access to Justice campaign part-time for six months. Together with the Law Society, the Access to Justice campaign arranged joint meetings at all the party conferences on civil legal aid, and arranged many activities for their members to undertake, such as letters to MPs and peers. At the party conferences, we took time to meet with key MPs and peers to acquaint them with our concerns about legal aid cuts.

Citizens Advice briefed MPs and peers at all stages of the Bill. Around six amendments we drafted were tabled for debate, and our briefings were widely quoted. Rather than seeking amendments to return all social welfare law back into scope, we identified

the more or most complex areas/types of cases within each excluded category and argued for a package of changes which would prioritise these areas, but would still enable significant savings to be made from a reduced legal aid scope for social welfare law.

During the passage of the Bill through Parliament, we published two reports about legal aid. *Breaking up is hard to do* covered criteria for legal aid for family cases, as well as the need for better support for families undergoing relationship breakdown. *Out of scope, out of mind* was a collection of case studies which demonstrated the current impact of legal aid on resolving people's problems. We also highlighted the impact of the loss of legal aid in work with the media.

The Financial Services Bill which amends the duties of the Money Advice Service to include funding and coordination of debt advice also provided us with an opportunity to highlight the impact of the loss of legal aid for debt advice. We put down an amendment to require the Money Advice Service to fund legal aid advice for debt in future.



## What did bureaux do?

Bureaux became active members of the Access to Justice campaign. They lobbied MPs and peers directly.

**Birmingham CAB** lobbied delegates to the Liberal Democrat Party Conference on legal aid and supported clients to make a short film on legal aid with the Access to Justice campaign. They also wrote to MPs, set up a Facebook campaign and made regular media appearances on local TV and radio.

**Vale of Glamorgan CAB** carried out a survey of clients to assess the positive impact of timely, free legal advice. The survey, drawn from 228 clients who had their cases closed between April and June 2011, demonstrated that most involved help with complex benefit decisions. The bureau took its findings to MP Alan Cairns.

**The Cabin Stockton CAB** liaised with Alex Cunningham MP about the debt advice and debt management companies debate in the House of Commons and sent him evidence, which he used in his speech, of how cuts to legal aid will impact upon provision of debt advice.

**Newcastle CAB's** concerns about the legal aid cuts featured in an article in the local *Evening Chronicle* newspaper, and the bureau wrote to local MPs.

**Cambridge CAB** met three local MPs to show how Legal Services Commission (LSC) funding helps prevent people ending up in costly court proceedings, gaining TV coverage of the issue and a parliamentary question tabled by one of the city MPs.

## What was the outcome?

There was a wide level of unease expressed by MPs and peers of all parties in debates on the Bill. There were a number of backbench revolts, especially by Liberal Democrat MPs and peers.

By the time the Bill received Royal Assent, the Government had made a number of concessions on the Bill, including:

- Delaying implementation for six months to April 2013.
- Broadening the definition of domestic violence for family legal aid and widening the range of evidence that will be required to provide it.
- Legal aid will be available for serious housing disrepair issues.
- Advice on loss of home issues will be covered from the earliest stages not just at possession stage.
- Legal aid debt advice will be commissioned for issues relating to (potential) loss of home.
- Legal aid will be retained for welfare benefit appeals to the second tier tribunal and higher courts, and for the First Tier Tribunal on 'points of law' only. The details on how and when legal aid will be available in lower tribunals will be worked out in a statutory instrument.
- The Government will now be able to **add as well as remove** areas of law from the scope of legal aid without primary legislation.

At first there was very little recognition of the issues raised for funding of the advice sector from withdrawing legal aid. After the sector campaigned to highlight the gaps, the Government made further announcements:

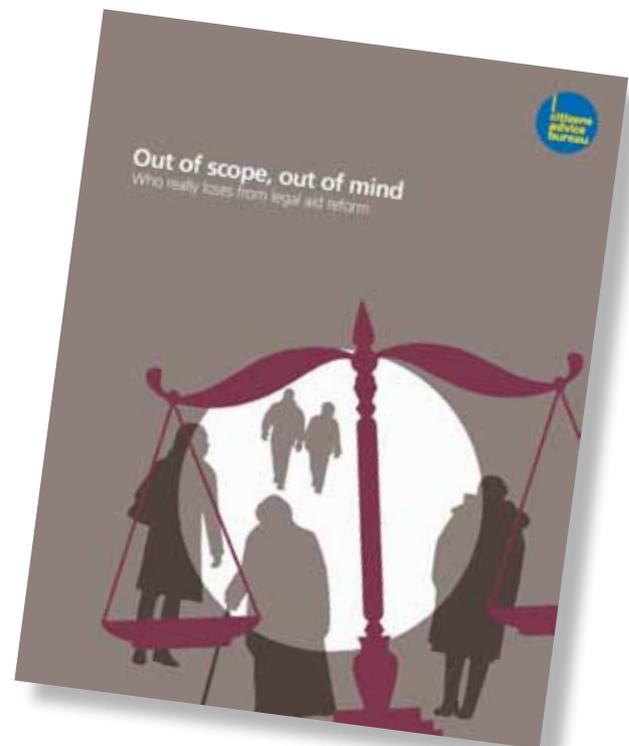
- An Advice Review led by the Cabinet Office to report later this year, will focus on how the sector can improve services, and how Government can decrease demand for advice.
- A £20 million **Advice Fund** – of which £16.8 million was given to advice services in England in March 2012, and the remainder to Scotland and Wales – following an application process in December 2011.
- The 2012 Budget announced an additional £20 million a year for the next two years.

Other Government departments also provided funding for displaced services:

- The Department for Communities and Local Government announced a £20 million 'Preventing Repossessions Fund'.
- Following the Family Justice Review, £20 million will be available for family support services, including advice.

## What still needs to be done

In early August 2012, it became apparent that the Ministry of Justice intended to interpret the Government's commitment to retain welfare benefit legal aid for appeals to the First Tier Tribunal on points of law very narrowly – only where the tribunal identifies an error of law in its own decision. We have written to the Minister to point out that this does not appear to be in line with the commitment given in Parliament and have drafted a standard letter for bureaux with legal aid contracts for welfare benefits to send to their MPs to point out the injustice of this decision.



# Legal

## Relationship breakdown

### What was the problem?

Given the increasing diversity of families in England and Wales, systems and processes for resolving family disputes and breakdown need to adapt. The Independent Family Justice Review was established by the last government to modernise and simplify processes for resolving family problems and disputes. The interim review's report recommended that a new Family Justice Service should be established to streamline processes.

At the same time the coalition Government proposed to remove legal aid for most private family law cases, except where there is domestic violence. Instead, funding would be available for mediation services, which would become the normal route for resolving family disputes. In April 2011, the family pre-action protocol was amended to include a requirement to consider mediation in all family cases. The interim Family Justice Review proposed to take this further by introducing compulsory assessment for mediation.

### What did we do?

We responded to two consultations on the Family Justice Review, but felt we needed to do more work on this issue. Whilst we agreed that more family cases could be taken out of court, we were concerned whether there would be sufficient capacity and funding within the mediation sector to cope with most private family cases going through compulsory mediation, especially if it became the alternative to legal aid. The organisation representing family lawyers, Resolution, had similar concerns and approached us to see if we could do some joint research about what proportion of relationship breakdowns needed legal aid.

We decided to undertake a survey of a sample of CAB clients who had received initial advice about relationship breakdown between October and December 2010, the period just before the family pre-action protocol was amended to require consideration of mediation. The survey asked:

- Which aspects of family law the client needed advice about.
- Whether the client was eligible for legal aid.
- Whether the CAB referred the client to a family lawyer for further advice, and if not, the reason for this.



We received about 1,000 responses to the survey. The key finding was that over half (54 per cent) of the clients needed to be referred to a family law solicitor and over 60 per cent of all of the clients in the survey were eligible for legal aid under the current rules. The survey also looked at whether clients would continue to be eligible for family legal aid if they were at risk of domestic violence. In the survey domestic violence was reported in eight per cent of cases and psychological abuse in six per cent.

We used the results of the survey and CAB evidence to write an evidence report, *Breaking up is never easy*. The report which was published on the same day in November 2011 as the final report of the Family Justice Review, highlighted the gaps in family advice provision and called for the Family Justice to bring together dispute resolution with family welfare and money advice to tackle some of the most difficult issues arising from relationship breakdown.

As a result of the publication of the report, Citizens Advice was asked to join a working group on the coordination of family support services. Other members of the group included the Department for Work and Pensions, the Child Support Agency and other family support groups like Gingerbread and Relate. The remit of the group was to take forward the Family Justice Review's recommendations on support services.

The report also assisted in lobbying parliamentarians on broadening the definition of domestic violence in the Legal Aid, Sentencing and Punishment of Offenders Bill.

### **What was the outcome?**

The Legal Aid, Sentencing and Punishment of Offenders Bill was amended to broaden the definition of domestic violence in respect of entitlement to family legal aid, and concessions were made on the sources of evidence that will be required to prove domestic violence. Funding will also be made available from the Ministry of Justice for mediation, although this may not be enough to meet demand.

The Government has also made available £20 million funding for support services for separating families. Commissioning of these will start in the autumn of 2012. Providers in the family law market have also approached us about shaping services for delivering low cost specialist family law advice to clients.

### **What still needs to be done?**

We will need to provide support to bureaux who are bidding for some of the £20 million to deliver family support advice, as well as providing further input on service design.

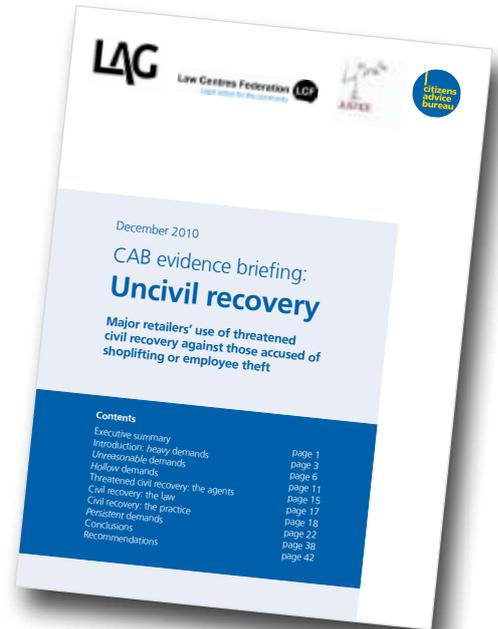
# Legal

## Other successes

### Civil recovery

Citizens Advice raised concerns about the legality of civil recovery claims and the practices of the companies making these claims in our reports *Unreasonable demands?* and *Uncivil recovery*. In May 2012, after a full contested trial where both sides were legally represented, a senior Circuit Judge at Oxford County Court dismissed a court claim for unpaid civil recovery demands for £137.50 sent to each of two teenage girls on the basis that they did not demonstrate that the retailer had suffered any loss. This has the potential to be a test case.

Following publication of our reports, we met with the Law Commission to discuss whether the Consumer Protection from Unfair Trading Regulations 2008 (CPRs) covered civil recovery, as part of its work to look at the effectiveness of this EU Directive. Subsequently, the Law Commission was recently recommended that the CPRs be clarified to ensure that such demands are covered by the legislation and also recommended that consumers be given a right of private redress for misleading or aggressive practices that are breaches of the CPRs. These changes are likely to be included in the Consumer Rights Bill next year, but will only be effective if consumers feel confident and can afford to take court action.



# Legal

## Bureaux successes

### Tamworth CAB preserves local court service

In June 2010 the Government announced its intention to close 157 courts across the country, including Tamworth County Court. Tamworth CAB was extremely concerned about these proposals as it would mean that local residents facing County Court proceedings would have to travel 18 miles to Burton on Trent County Court, a difficult and costly journey for some people.

The bureau designed a petition and canvassed local people. Within a short time they collected nearly 2,000 signatures and contacted Tamworth's MP, Christopher Pincher, who was supportive. He delivered the CAB petition to the Ministry of Justice. Nevertheless, the Ministry of Justice decided to close Tamworth County Court in September 2011.

The bureau did not give up. It worked with partners to develop and cost a proposal to provide a weekly outreach county court desk service where Tamworth residents could access a range of county court services including help with legal forms, lodging and copying non-urgent documents and swearing affidavits, request/photocopy documents and a secure deposit and drop off facility. The local authority agreed to fund the service.

The bureau developed links with Burton County Court to provide essential county court services, including accepting fees and applications for fee remission and dealing with court forms. As a result of the bureau's action, there is still a basic county court desk service in Tamworth, so local people do not have to make long, difficult and costly journeys to Burton-on-Trent.

### Runnymede and Spelthorne CAB convinces a local hospital to stop advertising the services of claims management companies

The bureau challenged a local A&E department after a client with a broken ankle was handed an information booklet which included a prominent article for a 'No Win, No Fee' compensation claim company. The bureau wrote to hospital

managers and received a response from the hospital's communications director who agreed to remove the company from its contracted advertisers and promised stricter guidelines in future.

# Other bureaux successes

## **Solihull CAB takes action on school uniforms**

Solihull Metropolitan Borough Council does not provide school uniform grants, and Solihull CAB had identified that a significant number of residents had had to resort to using credit in order to pay for school uniforms.

The bureau took a practical approach: it rented retail premises in a market place to sell at minimal cost a large stockpile of good quality used school uniforms that they had collected from parents and schools. They ran a marketing campaign to promote the shop.

The highly popular shop was open for two weeks in the summer school holidays. Parents could either swap school uniform items or get what they needed by making a monetary donation.

This helped 47 families to access school uniforms at way below market prices, saving at least £400 in total. The unsold stock will continue to help parents throughout the year.

## **Folkestone CAB takes action to persuade the council to repair a path**

The bureau successfully supported an older resident in a campaign to get the council highways department to accept liability for repairs of a path outside a post office.

In an area with a high concentration of older people, there were a number of unadopted roads and the council argued that this was one. With the intervention of the bureau and local MP Damian Collins, the highways department admitted liability and the older residents of Romney Marsh can tread a little less warily following repairs.

## **Guildford CAB influences Surrey County Council's turnaround time for dealing with Blue Badge parking passes to terminally ill people**

Guildford CAB successfully challenged a change of practice by Surrey County Council that had led to unacceptable delays in issuing Blue Badge parking passes to terminally ill people. After lobbying on the issue the bureau secured an agreement for a two week turnaround. The bureau highlighted the issue in its campaigns newsletter so that other people across the county might benefit.

# List of acronyms

**Acas**

Advisory, Conciliation and Arbitration Service

**ADR**

Alternative dispute resolution

**AFD**

Addressing Financial Difficulties good practice working party

**APPG**

All Party Parliamentary Group

**BIS**

Department for Business, Innovation and Skills

**BPA**

British Parking Association

**CB**

Child benefit

**CCA**

Consumer Credit Act

**CPRs**

Consumer Protection Regulations

**DLA**

Disability living allowance

**DVLA**

Driving Licence Licensing Authority

**DWP**

Department for Work and Pensions

**ESA**

Employment and support allowance

**EEA**

European Economic Union

**EU**

European Union

**FCA**

Financial Conduct Authority

**FSA**

Financial Services Authority

**FSMA**

Financial Services and Markets Act

**HB**

Housing benefit

**HMRC**

Her Majesty's Revenue & Customs

**LSC**

Legal Services Commission

**Ofgem**

The regulator for the gas and electricity markets

**Ofcom**

The regulator for communication services

**OFT**

Office of Fair Trading

**PIP**

Personal independence payment

**WRAG**

Work related activity group

## Our aims

- To provide the advice people need for the problems they face.
- To improve the policies and practices that affect people's lives.

## Our principles

The Citizens Advice service provides free, independent, confidential and impartial advice to everyone on their rights and responsibilities. It values diversity, promotes equality and challenges discrimination.

Have you found this publication useful? Please share your thoughts at [corporate.communications@citizensadvice.org.uk](mailto:corporate.communications@citizensadvice.org.uk)

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