

# Man receives increased sentence after referral to the Court of Appeal



A man who raped and abused a woman has received an increased prison sentence after his case was referred to the Court of Appeal.

The offender, who cannot be named for legal reasons, raped the victim twice and subjected her to controlling and coercive behaviour. He also subjected the victim's daughter to physical and verbal abuse.

On 15 July 2022, the offender was sentenced to 8 years' and 3 months imprisonment for two counts of rape, controlling and coercive behaviour, child cruelty and common assault. The offender also received a restraining order.

Following the sentencing, the case was referred to the Court of Appeal under the Unduly Lenient Sentence scheme.

On 12 October 2022, the Court found the original sentence to be unduly lenient and increased it to 11 years 9 months' imprisonment.

Speaking after the hearing, HM Attorney General Rt Hon Michael Ellis KC MP said:

The offender subjected the victim to despicable assaults and controlling, coercive behaviour, which will have a lasting impact on the victim and her daughter.

Increasing the sentence sends a clear message that any type of abuse is not acceptable and will be met with tough punishment.

Published 12 October 2022

Last updated 12 October 2022 [+ show all updates](#)

1. 12 October 2022

Since publishing this, it has come to our attention that the offender cannot be named for legal reasons.

2. 12 October 2022

First published.

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## CMA to take action to give private patients access to information

- Private hospitals and consultants could face enforcement action for failing to provide key information for prospective patients
- David Stewart: "Prospective patients need this information to make important and, at times, difficult choices about their private healthcare."

Some private healthcare providers have not been providing prospective patients with clear and consistent information that would allow them to compare providers, in breach of the Private Healthcare Order, the Competition and Markets Authority (CMA) has warned. As a result, the CMA is set to launch enforcement action.

To ensure people have access to clear and consistent information, the CMA issued the Private Healthcare Order in 2014 – a legally binding order that requires, amongst other things, providers to submit key data to the Private Healthcare Information Network (PHIN). PHIN collates and publishes this data online, allowing prospective patients to compare healthcare providers by important markers such as pricing, customer satisfaction and infection and success rates.

The order has been in place for several years and some providers have not supplied the information required, meaning patients are still unable to make meaningful comparisons when choosing their provider. As a result, the CMA is set to launch targeted enforcement action against a number of private consultants and hospitals.

The first step would be to name those in breach of the Order and then seek the swiftest possible way of addressing their non-compliance – this could be through voluntary commitments from the providers, or if necessary, the CMA could issue legally binding directions or begin court action.

David Stewart, Executive Director of Markets and Mergers, said:

Prospective patients need this information to make important and, at times, difficult choices about their private healthcare – and

currently, they don't have the full picture.

We know this isn't an easy task for hospitals and consultants. However, hundreds of hospitals and thousands of consultants have already supplied the right information to PHIN. We thank them for working hard to meet this requirement.

There are still some providers that have failed to make any progress, or even attempt it. If they now show a commitment to making the changes needed, we will support them to achieve this, alongside PHIN. However, those that continue to fail to can expect to face enforcement action.

All updates on this work can be found on the [Private healthcare market investigation](#) page.

## Notes to editors

1. [PHIN](#) is the independent, government-mandated organisation publishing performance and fees information about private consultants and hospitals.
2. The CMA recently approved a new Strategic Plan proposed by PHIN to ensure the industry delivers full compliance with the Order.
3. The CMA has issued a letter to the private healthcare sector announcing it is set to launch enforcement action under the Private Healthcare Market Investigation Order 2014.
4. The CMA's Private Healthcare Market Investigation Order 2014 can be found [here](#).

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## [The Student Loans Company appoints new CEO](#)

SLC has undertaken a significant transformation programme to implement more modern, customer-focused processes and systems to better serve its eight million customers. This has improved the overall health of the organisation while navigating the Covid-19 pandemic, delivering student finance to record numbers of students. SLC will continue to deliver towards its [vision](#) of enabling opportunity and delivering an outstanding customer experience while also playing its critical role in the delivery of the UK Government's education reforms, including the new Lifelong Loan Entitlement (LLE).

Chris has been instrumental in leading the Operations Directorate through the last 18 months, and his leadership and operational experience will be key for the organisation when he becomes CEO.

Peter Lauener, SLC Chair, said: "Chris joined our organisation in May 2021 and has played a central role in establishing new structures and leadership in our Operations Directorate, while successfully leading us through two challenging student finance applications cycles. Chris has a wealth of business and transformation experience, ensuring he is the right person to continue to deliver our strategy and build on our successes. He has a real commitment to putting customers and colleagues at the heart of SLC, which will be critical as we move forward."

Chris has spent more than 30 years in the financial services sector. He joined SLC from the Co-operative Bank where he was Director of Customer and Strategy and previous to this, he was Director of Customer Experience at Barclays. Chris has also held senior roles with Virgin Money, Tesco Bank and the Royal Bank of Scotland.

Chris said: "I am honoured to have been appointed SLC's next CEO and to be given the opportunity to lead such an important organisation. SLC has an inspiring vision and mission – we make a real difference to the lives of our customers and to the future prosperity of the UK economy.

"Paula has done an exceptional job in driving SLC forward in our transformation journey and we are a better organisation because of her leadership. I look forward to continuing this work as we strive to deliver an outstanding customer experience to our eight million customers."

SLC underwent a competitive recruitment process which involved input from a colleague panel as well as receiving approval from the new Secretary of State for Education, Kit Malthouse. It's the first time SLC has recruited from within the organisation to the post of Chief Executive.

Andrea Jenkyns, Minister for Skills, said: "Our world-class higher education system wouldn't be possible without the work of the Student Loans Company, which provides a critical service to the UK's students and graduates, enabling opportunity and supporting their education ambitions.

"Chris Larmer's appointment as the new Chief Executive of the Student Loans Company is fantastic news – not only because of his impressive business accolades but for the leadership he has provided to the SLC in the past 18 months in the Operations Directorate. I cannot wait to start working with him for the benefit of students up and down the country."

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**Charity Commission programme reaches new milestone as £1 million is**

## delivered to Welsh communities

Today (12th October 2022), Charity Commission CEO Helen Stephenson CBE has announced that the Commission, as part of a programme alongside Community Foundation Wales and local partners, has successfully revitalised £1 million to aid charitable causes across Wales.

Speaking at the Charity Commission's Annual Public Meeting (APM) at Cardiff City Stadium, Helen Stephenson detailed how since its launch in April 2021, the '[Revitalising Trusts](#)' programme in Wales has reached its first £1 million milestone. The million-pound sum, sourced from dormant charitable assets, is already starting to benefit local communities.

### **Addressing attendees, CEO Helen Stephenson said:**

This work is absolutely vital. As we face a cost-of-living crisis, we must ensure charitable funds are used to their full potential to help improve as many lives as possible and strengthen communities during these challenging times.

Working with Community Foundation Wales, we have helped direct funds to a number of charitable causes locally, including food banks, an education fund and a domestic abuse awareness programme.

We are delighted to have reached the £1m mark in funds released through the Revitalising Trusts programme. Through our support, trustees in Wales who have been struggling are now reassured that their funds are being used for the benefit of their local communities. The grants generated from these monies will provide a vital boost to grassroots charities supporting communities across Wales, as they start to feel the pressure and effects of the cost-of-living crisis.

The Revitalising Trusts programme helps charities overcome challenges which are hindering their ability to effectively advance the charitable causes they advocate and assists dormant charities to release their charitable assets. This is through helping them winding up or transferring assets to another charity with similar purposes.

The regulator invites any trustees to seek support and discuss the future of their charity if they are struggling to get new trustees; spend income; identify beneficiaries or find time to run the charity.

The programme in Wales is backed by the Welsh government which has invested £211,000 to support the Commission in its efforts to ensure charitable assets are being utilised as effectively as possible.

In England, the programme has recovered over £25 million in the past year, injecting over £80 million in communities across the country since its launch in 2019.

**Concluding her speech, Helen Stephenson said:**

I am truly delighted about this milestone but we still have a long way to go.

We want to free up many more millions of dormant charitable assets in Wales and see communities benefit as they have in England.

Delivering her keynote speech for the APM, Helen Stephenson also addressed charities and the public on the Commission's role as one of the oldest regulators in existence, discussed guidance available for trustees and the impact of the regulator's work. This includes recent [successful legal action for restitution](#) of over £117,000 from the former trustee of a charity set up to aid patients attending hospitals in North Wales.

Listed speakers at this year's event also include Charity Commission Chair, [Orlando Fraser KC](#).

**Notes to editor:**

1. The Charity Commission is the independent, non-ministerial government department that registers and regulates charities in England and Wales. Its purpose is to ensure charity can thrive and inspire trust so that people can improve lives and strengthen society.
  2. The Annual Public Meeting 2022 is led by Charity Commission Chair, Orlando Fraser KC and CEO Helen Stephenson CBE. The event is open to all members of the public and charity representatives. More details can be found via this link: [Charity Commission Annual Public Meeting 2022 – GOV.UK \(www.gov.uk\)](#)
  3. Community Foundation Wales inspires people to give, helps Welsh communities to thrive and changes lives together. For over twenty years, Community Foundation Wales has been supporting charities and community groups with funding to strengthen communities across Wales. Working together with our donors and partners, we use our expert knowledge of the needs of communities in Wales to find and fund projects that create positive change.
  4. There is more information about the [Revitalising Trusts Programme on gov.uk](#).
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# Orlando Fraser KC speech to the Charity Commission Annual Public Meeting 2022

Bore da. Croeso i Gaerdydd, ac i Gyfarfod Cyhoeddus Blynyddol y Comisiwn.

Good morning. Welcome to Cardiff, and to the Commission's Annual Public Meeting.

To those who have joined us in person, here at Cardiff's City Stadium – thank you for coming. It is wonderful to have you here with us. It's been great to meet and speak with delegates in the margins this morning, and I look forward to meeting many more over lunch.

I'm delighted also that so many people across England and Wales are taking part online. Over 900 people have signed up in total.

It is important to me that we are holding the first annual meeting of my chairmanship in the Welsh capital. We are a two-nation, bilingual regulator, serving the people of Wales and England, and it is vital that we see, and are seen by, the charities and people of both countries.

In my first few months as Chair, I have already made several visits to Welsh charities, overseen the strengthening of our Welsh office, and helped select Pippa Britton as our new Welsh Board member.

## **QE2's commitment to service and kindness reflects charities' best qualities**

Now, there is no doubt that we come together today at a time of change and challenge for our two nations.

The collective sense of sadness, brought on by the death of our long serving Head of State, Her Majesty, the late Queen Elizabeth, continues to reverberate, whilst grim financial conditions engulf us.

As many in this room and beyond will know, the world of charity owes the late Queen a particular debt. During her long reign, Her Majesty served as Royal Patron or President of over 600 organisations. And her example inspired immeasurable charitable activity here and around the world.

Her loss will be felt by many charities, for a long time.

Indeed, in considering the remarkable outpouring of love for Her Majesty during the national mourning period, I was struck by just how much some of her own unifying qualities reflected those of a good charity. I am thinking in particular here of her extraordinary, steadfast commitment to the service of others, of her kindness of conduct in carrying out that service, and of her resilience through many decades of ups and downs.

It is said in the Book of Proverbs that “the Path of the Just is as a shining light”, as they act as a beacon for all of us by their conduct – and I think that we can safely say that about our late Queen.

### **Charities in Cost-of-Living crisis**

And, as our charities face the many challenges that lie ahead this winter and beyond, her commitment to service, kindness, and resilience will be required in abundance to help the worst-off weather the coming storms.

And storms there will be – the rising cost of living poses profound challenges for individual households, for society as a whole, and of course, for the charitable sector.

However, it is during times of difficulty and tension that charities come into their own. Offering not just practical support and succour, but a sense of hope and belonging. You often are the only bright element in a miserable situation.

Indeed, since joining the Charity Commission as Chair earlier this year, I have had the privilege of witnessing this work at first hand. This has included seeing Emmaus helping the homeless in Leeds, the Nightingale Hospice providing palliative care in Wrexham, Martineau Gardens providing Therapeutic Gardening in Birmingham, and yesterday seeing ValePlus helping adults with additional learning needs in Barry.

All of the trustees, volunteers and staff involved in this remarkable work across Wales and England showed those qualities of service, kindness and resilience which was adored in the late Queen, and which had such an ability to unify us all.

Indeed, armed with these values, charities have risen to other immense challenges many times over in recent years. I refer not just to the awful pandemic, of course, but also more recently in response to the war in Ukraine and the devastating floods in Pakistan.

I have every optimism that charities will again meet the needs of the age, buoyed by the huge generosity of the British public, and the dedication and commitment of volunteers and those working in charities.

Although we could give more by some international standards, the British public still gave almost £11bn to charity last year, and around 5.5 million people regularly volunteer.

We should all be proud of this culture of giving, and of serving.

### **Charity trustees' duty of prudence**

But the sector's proven ability to face adversity with courage should not lead us to underestimate the problems many charities now face.

Like households, and business, charities will be hit by surging costs, just as many charities, especially those providing services to people in need, see



demand for their services rocket.

And while charities' outgoings rise, it seems inevitable that donations will be squeezed, as families are forced to cut non-essential spending.

These simultaneous pressures, coming so soon after the pandemic, may, I fear, bring some charities close to the brink.

The Commission cannot relieve charities facing such difficult choices directly.

But we must acknowledge the challenges facing the sector we regulate, and we must respond in the priorities we set as regulator.

Not least in the guidance we offer to charities.

And my most urgent advice for trustees in the months ahead is this: to demonstrate prudence, and sound financial stewardship.

The duty of prudence has been set in law for decades. It is not new. But getting this right is of particular importance during these straitened times.

Expect increased scrutiny, and be prepared to show that you understand the sacrifices your donors and volunteers are making in their continued support.

Show your beneficiaries that you are using every penny wisely, and for their benefit.

Never forget that the funds you raise as trustees and senior leaders belong to the cause, or the people, your charity was set up to serve.

### **Commission under me**

I firmly believe that the Commission's wider role as regulator in this context is vital for charities, as well as the public.

An expert Commission that is fair, balanced and independent helps give the public confidence to keep giving, and supporting charities. Safe in the knowledge that if things go wrong, there is an organisation able and willing to investigate.

Let me explain what I mean when I say we must be an expert Commission that is fair, balanced, and independent.

By expert, I mean we must be best in class – in terms of the people we attract and retain, and our use of technology. Given the pressures on our own resources, the Commission must punch above its weight. Helen Stephenson, our chief executive, will talk a little later about how we are using data and technology to become a more effective regulator. In particular, she will explain our aim over the period of my Chairship to introduce a trustee portal account for all 700,000 trustees in Wales and England that should revolutionise the trustee experience, especially in tailoring regulatory guidance on all matters to the individual – think of it over time as the

trustee's personalised online Bible.

Fair, is a concept most people relate to instinctively. It is enshrined in all good legal and regulatory systems around the world. I want people who come into contact with us to feel they have been treated with respect, dignity, and without bias, even when they don't get the outcome they hoped for. All people should receive fair treatment from us.

Balance in our compliance case work is especially important during these difficult times for trustees. It means first that we will be proportionate, and wise in our regulatory response to problems and concerns in charities. We will not come down hard on trustees who make honest, reasonable mistakes. We will remain mindful that we are regulating a voluntary sector, run by people, overall, with good intentions, who are doing their best in often difficult circumstances. We expect trustees to respond appropriately when problems occur. And even honest mistakes can have dire consequences. But we do not expect charities to be problem-free or error-free zones.

We are of course a regulator, though, and there are times when we must fulfil our function as enforcer. I will ensure that, where needed, we will deal firmly with intentional wrongdoers and those who are grossly negligent, using our powers effectively and robustly to ensure the wrongdoing stops, and the charity is returned to sound management. This is vital. We know that abuse or misconduct in one charity can undermine trust in all, and a regulator that is afraid of using the powers Parliament has granted it, is not fulfilling its promise to the public.

Finally, under my leadership, the Commission will be independent – of party politicians, of government, interest groups, of the media and of the sector itself. We, and I, will report to Parliament, to which we are directly accountable for our overall performance. But in enforcing charity law, we will be beholden to no-one, and nothing, but the law itself.

And it is important to realise that these are not just aspirations for us, but we are also taking active steps to embed these values into the Commission, with internal workshops over the winter devising ways and means to work them in to the future strategic framework of the Commission.

And we are doing all this, because I firmly believe that by fulfilling our functions with expertise, and in a way that is fair, balanced, and independent, we can best command the respect of our many varied stakeholders, and thus better fulfil our statutory objectives as regulator.

### **New 5 Minute Guide: political activity**

Finally, I want to introduce you to our new 5 minute guide for charities on Political Activity, which is another way we are trying to help charities navigate more easily around difficult contemporary issues.

Because the dilemmas that arise for charities during precarious economic times are not just financial.

We live in times of significant challenge, and indeed turmoil, and we can

expect that political debates will come into all of our lives in the months and years ahead.

We should expect vigorous exchanges about what is needed from government at this time.

I fully expect charities to be part of this conversation.

Charities give voice to those who go unheard, whose stories might otherwise never be told.

And the sector has a long, proud history of pushing for meaningful change that improves the lives of their beneficiaries, and makes society fairer, and kinder.

There are countless examples of this.

I had the pleasure of attending the Civil Society charity awards earlier this year. Among the many charities to be honoured that evening was Tommy's, which received an award for its outstanding campaign to improve the care received by families experiencing miscarriage.

The campaign laid bare many injustices, including that black women are much more likely to suffer miscarriages than white women.

And it worked: a few months after Tommy's campaign launched, the government announced a programme of change. Miscarriages will now be officially counted and recorded, and women will no longer have to endure three miscarriages in a row before being offered help and support.

The campaign was well received from across the political spectrum – including from the then health minister, Nadine Dorries.

So, the law is clear that charities are free to campaign and engage in political activity in this way, shining a light on uncomfortable truths, engaging with those in power in the interests of the people and causes they serve.

And when done well, campaigns of this nature can have immense impact. So, no, the law does not agree with those who say that charities should simply not dabble in politics at all.

However, the law, rightly, also sets limits on what charities can do, and how, in relation to political activity.

Charities must never stray into party politics – must never promote, or be seen to promote, a political party or candidate.

A charity's campaigning and political activity must always be in furtherance of its purposes – and even when they have determined that the activity aligns with the charity's purposes, trustees must be clear that political activity is also the prudent thing to do, especially in difficult economic circumstances.

Charity leaders should also remember that it is not their voice, or their opinion that matters, but the interests of causes they are entrusted with.

And there is a final, important point I would like to make in this area, which takes us back to the quality of charitable kindness I was commending earlier.

Most issues in society are complex. Rights and interests of individuals and groups are often in competition with one another. There is usually right, and value, to both sides of an argument.

Sadly, that nuance is rarely reflected in the tone of public discourse, which is often coarse, and it threatens to become coarser still.

Debates on many issues are polarised, and personal, and serve to further entrench existing standpoints.

This trend towards constant aggression presents a risk to our democratic culture.

In his inaugural speech as US President last January, Joe Biden made a plea to the American people.

These were his words: "Let us listen to one another. Hear one another. See one another.

Show respect to one another. Politics need not be a raging fire destroying everything in its path. Every disagreement doesn't have to be a cause for total war. And, we must reject a culture in which facts themselves are manipulated and even manufactured. My fellow Americans, we have to be different than this."

I wholeheartedly agree with this rallying cry. And I would like to echo it.

I think English and Welsh charities engaging in political activity can, and should, be different too. Charities can model a better kind of public discourse than the aggression we sometimes sadly see from the party political debate. They can help teach others how to inspire and inform, rather than stifle and poison, reasoned debate.

They should campaign with vigour and energy yes, but I believe they should do so also with tolerance and kindness.

Charities should seek to win people over. Draw people to their cause, work to persuade those whose starting perspectives and allegiances may be different, and indeed initially hostile to their cause or the people they serve.

Tommy's example demonstrates that this approach is not just right in principle, it works in practice. And it accords with a charity's duty to protect their public reputation.

We want to help charities get it right. To avoid pitfalls where possible, and ensure any campaigning or political activity they undertake aligns with their

duties and responsibilities.

So that is why, today, we are launching the new short guide on political activity and campaigning for charities.

The latest in our series of short guides, the resource helps trustees understand the rules.

To be clear – those rules are not new. The new product is based on our existing long-form guidance in this area, which many will know as “CC9”, and whose principles stand.

The 5-minute guide is, however, shorter, and more accessible. And it also does a good job of showing that much of this is not rocket science, but instead common sense.

Our existing library of short-form guidance has been extremely well received.

And I trust that charities, especially those planning to engage in campaigning or political activity in the weeks, months and years ahead, will pay close attention to this new addition.

I hope that in this way, this guide will help charities play their part in raising the standard of public debate and discussion in this country, and show that a charity’s political activity, when it occurs, can sometimes be seen as a solution, rather than a problem.

Thank you.