

# The UK's energy crises: A study of market and institutional precarity

Jodi Gardner & Mia Gray

To cite this article: Jodi Gardner & Mia Gray (23 Jul 2024): The UK's energy crises: A study of market and institutional precarity, King's Law Journal, DOI: [10.1080/09615768.2024.2381623](https://doi.org/10.1080/09615768.2024.2381623)

To link to this article: <https://doi.org/10.1080/09615768.2024.2381623>



© 2024 The Author(s). Published by Informa UK Limited, trading as Taylor & Francis Group



Published online: 23 Jul 2024.



Submit your article to this journal [↗](#)



Article views: 36



View related articles [↗](#)



View Crossmark data [↗](#)

# The UK's energy crises: A study of market and institutional precarity

Jodi Gardner\* and Mia Gray \*\*

## INTRODUCTION

In 2022 alone, 3.2 million people in the United Kingdom (UK) on prepaid metres had their electricity cut off. This is more than the total number of people in the preceding *decade* and equates to one person being disconnected from electricity *every 10 s*. One in five prepayment metre customers have been cut off in the past year and spent at least 24 h without fuel. These startling statistics serve to highlight that the UK is experiencing multiple and intersecting energy crises—fuel poverty, disconnections, and forced prepaid metres—and there is limited political will to address any of them. Having a situation where every 10 s someone in one of the richest countries in the world is left in the cold and dark is morally, socially, and politically abhorrent.

Whilst there has been limited political interest, the increasing 'calls-to-arms' by the third sector and shameful news headlines have shone a spotlight on the structure and functioning of the energy market in the UK. It has revealed an uncomfortable truth about the externalities of privatisation and the harm caused when public goods are provided through a capitalist market structure. If you look at the situation through an orthodox 'private law' lens, the current situation can be justified—after all, electricity is a consumer good sold by a private company. If the purchasing household cannot pay for the good, the business has the right to cut off supply provided the terms of the contract have been followed. This article contends that energy is not a normal consumer good but a basic human right and should be considered part of a social

\* Brian Coote Chair of Private Law, University of Auckland. We would like to thank Yotam Kaplan and Fred Taylor for their very useful comments on an earlier draft. Email: jodi.gardner@auckland.ac.nz

\*\* Professor of Economic Geography, University of Cambridge.

minimum. The increasing use of forced prepaid metres is a result of a complex set of factors and a sign of personal, institutional, and legal precarity. If we want to address and stop the use of such harmful and exploitative practices in the domestic energy market, we must address the mechanisms of precarity as much as the structure and regulation of energy supply.

Both of these aspects are addressed in this article, which has four sections. The first sets the scene for the electricity market in the UK, highlighting the profound changes that have been experienced in recent history and the impact this has had on the lives of low-income households across the country. The second addresses the role of the social minimum, explaining that access to electricity is necessary for every UK citizen to live a decent and meaningful life. The third section develops this analysis through a consideration of the various factors that have allowed the burgeoning use of forced prepaid metres, showing that it is a complicated and multi-faceted situation which is not only caused by recent sharp rises in energy prices, but has its roots in austerity measures following the global financial crisis in 2008–2009. The article concludes with a call to arms, emphasising that this situation will not be solved by a stroke of a pen and the drafting of new legislation; instead, the government must tackle the fundamental framework around the provision of energy that has allowed this situation to develop.

## PART I: THE LEGAL FRAMEWORK OF ENERGY CONTRACTS

There is a significant body of literature analysing fuel poverty and its implications and impacts.<sup>1</sup> This highlights the growing importance of understanding the causative factors behind the increasing level of fuel poverty, and the effect this can have on the welfare of impacted individuals. The intersection between fuel poverty, disconnections, forced prepaid metres, and private law mechanisms has however yet to be considered.<sup>2</sup> In many ways this is surprising since the entire process is grounded in private law concepts; the energy agreement is a binding contract between the supplier and the individual, the forced installation of prepaid metres involves potential trespass into a person's home, and the courts need to provide a warrant to energy companies through the civil justice system.

<sup>1</sup> See, for example, Neil Simcock, Gordon Peter Walker and Rosie Day, 'Fuel Poverty in the UK: Beyond Heating' (2016) 10(1) *People, Place and Policy Online* 25–41; S Bouzarovski and S Petrova, 'A Global Perspective on Domestic Energy Deprivation: Overcoming the Energy Poverty–Fuel Poverty Binary' (2015) 10 *Energy Research and Social Science* 31–40; B Christman, and H Russell, 'Readjusting the Political Thermostat: Fuel Poverty and Human Rights in the UK' (2016) 2(2) *Journal of Human Rights in the Commonwealth* 14–31; L Middlemiss and R Gillard, 'Fuel Poverty from the Bottom-Up: Characterising Household Energy Vulnerability Through the Lived Experience of the Fuel Poor' (2015) 6 *Energy Research & Social Science* 146–54; S Roberts, 'Energy, Equity and the Future of the Fuel Poor' (2008) 26(12) *Energy Pol'y* 4471–74.

<sup>2</sup> There is some consideration of legal impacts in N Creutzfeldt, C Gill, R McPherson and M Cornelis, 'The Social and Local Dimensions of Governance of Energy Poverty: Adaptive Responses to State Remoteness' (2020) 43(3) *JCP* 635–58, however the focus is largely on the government policies and frameworks as opposed to the private law mechanisms.

## Regulation of Energy Markets

Prior to the Thatcher administration, electricity provision was controlled by the state-owned Central Electricity Generating Board (CEGB). It was responsible for the generation, transmission, and supply of electricity to the UK. When the financialisation and liberalisation movement occurred in the 1980s, the electricity supply industry was privatised with the passing of the Electricity Act 1989.<sup>3</sup> This Act saw the creation of the Office of Electricity Regulation (OFFER), which has since become the Office of Gas and Electricity Markets (Ofgem).

The Electricity Act 1989 included a number of 'consumer protection' requirements, largely focused on the standards of performance.<sup>4</sup> Although it did not completely leave fuel contracting to the open market, there were however only a few protective provisions in the statute. For example, it required providers of electricity to be licensed (including a prohibition on unlicensed supply)<sup>5</sup> and enacted a number of 'duties' on to providers,<sup>6</sup> including a later provision which created the obligation to provide consumer redress for breaches.<sup>7</sup> This Act remains the main enabling statute shaping the actions of the major private sector energy providers.

Perhaps due to the limited nature of these consumer protections, the UK's domestic electricity market was often criticised for price-gouging and the poor treatment of consumers. As part of its election campaign in 2015, the Labour opposition stated that it would freeze electricity prices to stop unfair and unjustified profits by big energy firms. The party highlighted that when wholesale prices decreased by 20 per cent, energy prices only reduced 1–5 per cent while energy company profits increased hugely. The party did not get the opportunity to implement these policies, but the price gouging concerns continued. The Competition and Markets Commission estimated that customers were overpaying £1.4 billion unnecessarily due to a lack of adequate competition.<sup>8</sup> As a result, the Government enacted in 2018 the Domestic Gas and Electricity (Tariff Cap) Act 2018, which created a 'cap' on the amount that can be charged by gas and electricity companies.

This was designed to keep prices at a fair level for consumers and reduce exploitation by providers. However, there has been nearly unprecedented movement in the electricity market since the cap was enacted. For example, the 'average' cost of electricity in the 2020/2021 winter was £993.00. This skyrocketed to £4,059.99 in winter 2023, before decreasing to £1,928.00 16 months later—an increase of over 100 per cent in 3 years, even when discounting the peaks of pricing. The government gave limited

<sup>3</sup> Although the CEGB existed until the Central Electricity Generating Board (Dissolution) Order 2001.

<sup>4</sup> Electricity Act 1989 (UK), s 39–42.

<sup>5</sup> Electricity Act 1989 (UK), s 4.

<sup>6</sup> Electricity Act 1989 (UK), ss 16–24.

<sup>7</sup> Electricity Act 1989 (UK), s 27G (added by the Energy Act 2013).

<sup>8</sup> Competition and Markets Authority (CMA), *Energy Market Investigation – Summary of Final Report*, 24 June 2016, 22. For a discussion of the impact of the report, see Suzanna Hinson, *The Domestic Gas and Electricity (Tariff Cap) Act 2018*, Briefing Paper, Number CBP 8242, 17 August 2018.

powers to Ofgem including an arguably flawed price ‘capping’ mechanism, and then refrained from further engaging in the energy market—leaving consumers subject to both capitalist structures and the free-market contracting mechanisms. This situation has made it clear that the existing regulatory structure and free-market<sup>9</sup> approach was inadequate to oversee a fair price and distribution of such a necessary public good.

The regulatory structure for the UK energy market is deeply flawed. Ofgem is the agency tasked with regulatory oversight, but it has very limited powers to make substantive changes to how the energy market functions. Its role is largely procedural and it does not possess the power to actually intervene in the market or to assist those who are financially struggling with the cost of fuel.<sup>10</sup> For example, under the ‘Get help if you cannot afford your energy bills’ section of its website, Ofgem directs people to budget support programmes or Citizens Advice Bureaus, and refers to the limited number of government programmes to provide financial assistance to vulnerable groups (as opposed to contacting Ofgem for assistance).<sup>11</sup>

It is clear that this lack of substantive control has become frustrating for the people running Ofgem. The organisation has been vocal about its desire for the UK to implement a *social tariff* (a lower, subsidised tariff) for financially vulnerable households. After the series of significant price increases and huge profits, Ofgem’s Chief Executive, Jonathan Brearley, urged ministers to reflect on whether the current system is working and whether the ‘very broad and crude’ price control cap should be substituted with ‘a more rigorous framework of customer support.’<sup>12</sup>

## What Has the Government Done?

As outlined above, the government has largely allowed the market a free-rein in structuring electricity contracts, but with a fluctuating cap to put boundaries around price gouging. There is a (albeit flawed) competitive market in the sense that people can compare prices and contracts, and decide which company supplies their fuel. Since

<sup>9</sup> JE Stiglitz, ‘Markets, States, and Institutions’ in *Markets, Governance, and Institutions: In the Process of Economic Development* (Oxford University Press, 2017) 13–30; I Milstein and A Tishler ‘The Inevitability of Capacity Underinvestment in Competitive Electricity Markets’ (2012) 34(1) *Energy Economics* 62–77; M Antal, ‘A “Parasite Market”: A Competitive Market of Energy Price Comparison Websites Reduces Consumer Welfare’ (2020) *Energy Policy* 138.

<sup>10</sup> An analogy can be drawn between OFGEM and the previous regulator of consumer credit, the Office of Fair Trading (OFT). When the OFT was unable to effectively regulate the industry due to lack of adequate resources or powers, the market was overrun by exploitative payday lenders making obscene profits. After social and political outrage, the OFT was replaced by the Financial Conduct Authority, which was able to more effectively regulate the industry and remove the most exploitative aspect of the market; for more detail see J Gardner, *The Regulation of High-Cost Credit* (Hart Publishing, 2021), ch 1.

<sup>11</sup> Ofgem, ‘Get help if you cannot afford your energy bills’ <<https://ofgem.gov.uk/information-consumers/energy-advice-households/getting-help-if-you-cant-afford-your-energy-bills>> accessed 4 February 2024.

<sup>12</sup> Consumer Rights, ‘A social tariff could liven up British energy policy’ <<https://consumer-rights.org/news/a-social-tariff-could-liven-up-british-energy-policy/>> accessed 4 February 2024.

2018 there has also been a 'cap' on energy prices, so the price is not solely determined by maximisation of profits. The cap is, however, clearly limited in effectiveness, as prices in the UK spiked to over 400 per cent increases, even if subsequently falling. The price increases also occurred at a time when many energy companies experienced record profits.<sup>13</sup> Whilst underinvestment in non-gas forms of energy, low gas reserves, the impact of the Covid-19 pandemic and the Ukraine war explained some of those increases, the Household Energy Price Index highlights that this trend was not reflected across the European Union—despite those countries being similarly (if not more severely) impacted by these factors.

The skyrocketing price of electricity and gas during a cost-of-living crisis meant that somewhere between 25 and 40 percent of United Kingdom (UK) households were in fuel poverty in 2023, with no sign of that figure decreasing substantially in 2024.<sup>14</sup> Pricing in the UK energy market in the UK is often opaque and unarguably unfair; despite wholesale fuel prices decreasing, the average household fuel bill increased 5 per cent to £1,928.00 in 1 January 2024.<sup>15</sup> The pricing structure is difficult to justify when energy companies reported the largest-ever profits in 2023, including the French state-owned EDF reporting that in the six months alone its UK business made profits of almost €2.3bn (£2bn).<sup>16</sup>

During part of the cost-of-living crisis, rather than providing increased regulation of energy companies or implementing a 'wide-ranging windfall tax' on the profits, the Conservative Government instead provided poorly-targeted, piecemeal programmes. This included universal funding for all households and some level of targeted funding for particularly vulnerable households. This is a clear example of treating the extreme symptoms as opposed to addressing the underlying problem. The support provided was very time-limited and piecemeal, and the government chose not to construct a broader regulatory structure to enforce this or to reform the market in a longer-term strategic manner.<sup>17</sup>

The financial hardship programmes and universal support programmes implemented were marketed on the basis that 'we are all in this together', emphasising

<sup>13</sup> For further analysis on this point, see Stephen Littlechild, 'Competition, Regulation and Price Controls in the GB Retail Energy Market' (2018) 52 *Utilities Policy* 59; We do however note—optimistically—that the UK Energy Act 2023 aims to increase energy efficiency and competition. One of the reforms included in this Act is to provide Ofgem with concurrent competition law powers.

<sup>14</sup> End Fuel Poverty Coalition, 'About fuel poverty' <<https://www.endfuelpoverty.org.uk/about-fuel-poverty/#:~:text=The%20cold%20facts,4.1m%20to%207.5m>> accessed 4 February 2024.

<sup>15</sup> End Fuel Poverty Coalition, 'Ofgem price cap' <<https://www.endfuelpoverty.org.uk/about-fuel-poverty/ofgem-price-cap/>> accessed 4 February 2024.

<sup>16</sup> Jillian Ambrose, 'British Gas reports record £969m profit after price cap increase' (*The Guardian*, 27 July 2023) <<https://www.theguardian.com/business/2023/jul/27/british-gas-record-profit-price-cap-increase#:~:text=British%20Gas%20has%20reported%20its,the%20same%20period%20last%20year>> accessed 4 February 2024.

<sup>17</sup> Again, we note that the UK Energy Act 2023 aims to increase energy efficiency and competition. The focus on the Act is however on energy infrastructure as opposed to consumer-facing aspects of the current situation.

that everyone was suffering as a result of increased energy prices but that this was both justified and unavoidable. For example, the former Prime Minister and now disgraced 'journalist', Boris Johnson, famously stated that the increased cost of fuel was a result of the war in Ukraine and that 'the price of freedom is worth paying'.<sup>18</sup> This type of unhelpful rhetoric disguises the fact that the increased costs do not impact people equally and the current system creates energy injustice; instead, pre-existing disadvantages are exacerbated in a number of ways. For example, increases in fuel costs impact rural areas more dramatically.<sup>19</sup> Poorer households are more likely to live in houses with 'poor energy efficiency' that require more fuel to heat and run<sup>20</sup>, and increases in electricity bills will disproportionately impact people with less disposable income; a 'double-whammy' to already struggling households. It is therefore not surprising that these regulatory, political, legal, and financial factors have resulted in the energy crises in the UK around fuel poverty, disconnections, and forced prepaid metres.

## The Energy Crises

An increasing number of UK householders are struggling to make ends meet, including paying skyrocketing electricity costs. The situation has resulted in a combination of related energy crises—a fuel poverty crisis, a disconnection crisis, and a prepaid metre crisis. Boardman defined 'fuel poverty' in 1991 as

a fuel poor household is one that cannot afford to keep adequately warm at reasonable cost. The most widely accepted definition of a fuel poor household is one which needs to spend more than 10% of its income on all fuel use and to heat its home to an adequate standard of warmth.<sup>21</sup>

Utilising this definition, National Energy Action estimates that 6.5 million households were suffering from fuel poverty at the beginning of 2023,<sup>22</sup> with the government's own research indicating that this number is probably closer to 8.8 million.<sup>23</sup> Despite

<sup>18</sup> <<https://www.theguardian.com/money/2022/sep/20/higher-energy-bills-a-price-worth-paying-for-uk-security-says-liz-truss>>.

<sup>19</sup> Paul Bridgen and Caitlin Robinson, 'A Decade of Fuel Poverty in England: A Spatio-Temporal Analysis of Needs-Based Targeting of Domestic Energy Efficiency Obligations' (2023) 101 *Energy Research & Social Science* 12, 'relative energy affluence and energy deprivation is often spatially persistent and temporally entrenched'; see also discussion in BK Sovacool, P Upham, M Martiskainen and others, 'Policy Prescriptions to Address Energy and Transport Poverty in the United Kingdom' (2023) 8 *Nature Energy* 273–83.

<sup>20</sup> See, for example, the discussion in End Fuel Poverty (n 14).

<sup>21</sup> Brenda Boardman, *Fuel Poverty: From Cold Homes to Affordable Warmth* (Bellhaven Press, 1991) 207.

<sup>22</sup> National Energy Action, 'What is Fuel Poverty' <<https://www.nea.org.uk/what-is-fuel-poverty/#:~:text=We%20estimate%20that%20there%20are,on%20the%20UK%20energy%20crisis>> accessed 4 February 2024. We do however note that the, in light of the significant increase in cost, it may be necessary and/or appropriate to amend the definition of fuel poverty to ensure it remains a useful measure.

<sup>23</sup> Suzanna Hinson and Paul Bolton, *Fuel Poverty: House of Commons Library* (24 March 2023). <<https://researchbriefings.files.parliament.uk/documents/CBP-8730/CBP-8730.pdf>> accessed 4 February 2024.

increases in national wealth and GDP over the last four decades, this rate is considerably higher than the rates in 1983, where 3 million people could not afford to adequately heat their house and therefore lived in cold, damp dwellings.<sup>24</sup> Citizens Advice indicates that over 5 million homes have energy debt equivalent to £2.9 billion.<sup>25</sup>

As outlined above, electricity and gas are supplied through lightly-regulated private law agreements with a limited focus on consumer protection mechanisms and a reliance on the Ofgem price cap. This means that when an increasing number of households are unable to pay their bills, they are potentially subject to disconnections or being forced onto prepaid metres. Prepaid metres are often marketed as a way to 'take control' of your energy costs, avoid going into debt, and prevent disconnections.<sup>26</sup> In reality, prepaid metres often enhance stress and increase the risk of disconnections. People on prepaid metres also have less choice of providers and therefore less ability to benefit from competitive forces in the market.<sup>27</sup> The impact of this cannot be underplayed; benefiting from competition was one of the key justifications for the privatisation of the energy industry and it is now being denied to those who need it the most.

The positive narratives that energy companies place on prepaid metres are often incredibly far from the truth and mean that struggling families have to constantly ensure that there are sufficient up-front funds for payment of the metre. When writing about growing up in Glasgow in 'slum rentals, project housing and homeless hostels', Katherine Lam eloquently reflected on the impact of having a prepaid metre:

Small but cruel, it could be found under the stairs, sometimes in the kitchen. You had to feed it with coins, later with cards and keys, or be punished. When there wasn't anything to feed it, everything would go dark. The TV turned off, whatever you were cooking stopped bubbling on the stove, the shower ran cold and the food in the refrigerator started to spoil. That monster could stop us from bathing, eating or sleeping. It could, and did, make us ill. And it followed us, a single-parent working-class family, up and down the country, from one damp and drafty home to the next, no matter how often we fled to what we hoped was a fresh start.

The monster was a prepayment meter. The Meter, as it was called in our house. Effectively a slot machine for pay-as-you-use energy. Some people have meters that can be topped up online, but typically you go to your local convenience store or post office, add money to your card, take it home and insert it into the Meter. You can use energy until your credit runs out. When it does, you're given about \$12 of

<sup>24</sup> See Breadline Britain, 1983 surveys.

<sup>25</sup> Alex Belsham-Harris and others, *Shock proof: Breaking the Cycle of Winter Energy Crises*, Citizens Advice, <[https://www.citizensadvice.org.uk/Global/CitizensAdvice/Energy/FINAL%20-%20Shock%20proof\\_%20breaking%20the%20cycle%20of%20energy%20crises%20\(1\).pdf](https://www.citizensadvice.org.uk/Global/CitizensAdvice/Energy/FINAL%20-%20Shock%20proof_%20breaking%20the%20cycle%20of%20energy%20crises%20(1).pdf)> accessed 4 February 2024.

<sup>26</sup> See, for example, Shell Energy 'What are the advantages and disadvantages of having a prepayment meter', <<https://help.shellenergy.co.uk/hc/en-us/articles/360007402237-What-are-the-advantages-disadvantages-of-having-a-prepayment-meter>> accessed 13 May 2024.

<sup>27</sup> This was explicitly recognised in Suzanna Hinson, *The Domestic Gas and Electricity (Tariff Cap) Act 2018*, Briefing Paper, Number CBP 8242, 8.

“emergency credit,” but you’ll need to repay that the next time you top up, before anything goes toward energy.

The saying goes, if you want to add tension to a story, add a ticking clock. That’s my memory of the Meter. We’d get down on our knees daily — somehow they were always placed to force you prostrate before them — and stare disbelievingly as the numbers ticked down. A literal countdown on top of all of the other stresses of trying to get a too-small income to stretch through the day, week or month.

So what did we do? We used the smallest amount of energy we could. My mother performed a frustrating, occasionally heartbreaking, arithmetic: Could she cook dinner and get the clothes dry on the radiator? If she had a hot shower in the morning, would she be able to put on the heating in our room that night? Was there enough energy left to watch our favorite TV show if all the lights were off?

But nothing was ever enough to appease the Meter. We watched the numbers count down, we negotiated, and we hoped. We hoped it wouldn’t run out in the middle of the night, or while we were sick, when we had homework due or had school friends visiting. Most of all, we hoped it wouldn’t happen in winter, in freezing temperatures, without even a light to read by as a distraction. But, as inevitably as Monday follows Sunday, it always happened at the worst possible time.

Who’d choose this precarity?<sup>28</sup>

As Lam’s eloquent narrative highlights, a prepaid metre make it much easier for already vulnerable people to be disconnected, as it needs a constant supply of funds to keep providing electricity. Over the last decade, energy firms have been forcibly installing prepayment metres as a form of debt collection. The government was urged to stop the forced installation of prepaid metres after it was revealed that 3.2 million people, equating to a person every 10 s, was disconnected in 2022 simply because they ran out of credit. For most it’s not just a one off. Citizens Advice has found more than two million people are being disconnected at least once a month. And almost one in five (19 per cent) prepayment metre customers of those cut off in the past year then spent at least 24 h without gas or electricity, leaving them unable to turn the heating on or cook a hot meal.<sup>29</sup> By contrast, water companies, also providing a public good, cannot disconnect or restrict water supply on the basis of unpaid bills. It is hard to see how such a significant distinction is justified.

Despite this, the use of forced prepaid metres is still endemic in the UK. Chris O’Shea, the chief executive of Centrica (which owns British Gas), reported that British Gas installed 20,469 prepayment metres under warrant in 2023, and a further 6,000 had been remotely switched from a credit to a prepay tariff through their smart metre.<sup>30</sup> In January 2024 (the

<sup>28</sup> Katherine Lam, ‘The Monster in My Home was a Meter, and it Decided Whether I Ate and Slept’ (*The New York Times*, *Guest Essay* <<https://www.nytimes.com/2022/12/30/opinion/prepayment-meters-uk.html>> accessed 4 February 2024).

<sup>29</sup> Belsham-Harris and others (n 25).

<sup>30</sup> Alex Lawson, ‘Ban on forced prepayment meters will continue beyond March, says Ofgem’ (*The Guardian*, 14 March 2023) <[https://www.ofgem.gov.uk/publications/ofgem-sets-out-prepayment-meter-expectations-energy-bosses-edf-octopus-and-scottish-power-meet-regulators-restart-conditions#:~:text=Ofgem%20confirmed%20today%20\(Monday%208,2024\),and%20committing%20to%20reinstating%20non%20](https://www.ofgem.gov.uk/publications/ofgem-sets-out-prepayment-meter-expectations-energy-bosses-edf-octopus-and-scottish-power-meet-regulators-restart-conditions#:~:text=Ofgem%20confirmed%20today%20(Monday%208,2024),and%20committing%20to%20reinstating%20non%20)> accessed 4 February 2024.

middle of winter!), Ofgem quietly gave three energy providers—EDF, Octopus and Scottish Power—the power to install forced prepaid metres under warrant.<sup>31</sup> There is some level of protection still in place, for example, energy companies must go through the court system and receive a warrant before forcibly installing a metre (although, as will be discussed, this is far from sufficient procedural protection). They also cannot install prepaid metres in the homes of ‘vulnerable’ people, including families with children under two and people who rely on electricity for medical equipment. The Ofgem Director General for markets, Tim Jarvis, said the regulatory agency had ‘made clear that suppliers must exhaust all other options before considering forced installation of a prepayment metre, and consumers can help themselves by reaching out to their supplier as soon as possible if they think they won’t be able to pay their bill, so payment options can be discussed’. Jarvis contends that allowing the return of forced prepaid metres was the lesser of two evils, stating that ‘while nobody wants to see the practices uncovered last year repeated, we also know that allowing households to build up unsustainable amounts of debt isn’t the right thing to do either.’<sup>32</sup>

This approach is however only justifiable if there are merely two choices—energy debt or prepaid metres. In reality, the situation that has developed is *not* inevitable. Although the UK government provided some level of targeted support, many other countries experienced similar cost-of-living pressures and wholesale energy increases, but their governments chose to provide more comprehensive support. This prevented the burden of increased energy prices being passed down to those who could afford it the least.<sup>33</sup> The UK’s energy crises are also occurring at the same time that energy companies, largely internationally owned, are earning record profits. For example, the rising energy market prices allowed for higher energy bills and led to a three-fold profit increase—a record £3.3 billion—for Centrica. This level of profit is hard to justify when 8.8 million households are in fuel poverty, and someone is disconnected every 10 s.

Instead of using some of the profits gained from record energy prices to assist those struggling to pay their bills, the company is delivering large dividends to shareholders and handsome pay and bonus packages to its top executives. For example, Chris O’Shea, Centrica’s Chief Executive, accepted a £4.5 m pay packet as a result of leading the company to such record profits.<sup>34</sup> This approach can be compared with that of telecommunications companies, which showed a much more consumer-friendly approach to the cost of living crisis, with many implementing highly-subsidised social tariffs to ensure that households remained connected to the internet.<sup>35</sup> The narrative

<sup>31</sup> *ibid.*

<sup>32</sup> Alex Lawson, ‘Three energy firms allowed to force-fit prepayment meters again’ (8 January 2024) <<https://www.theguardian.com/business/2024/jan/08/energy-firms-allowed-to-force-fit-prepayment-meters-again>> accessed 4 February 2024.

<sup>33</sup> See, for example, Creutzfeldt and others (n 2).

<sup>34</sup> Ambrose (n 16).

<sup>35</sup> See, for example, Ofcom, ‘Social tariffs: Cheaper broadband and phone packages’ <<https://www.ofcom.org.uk/phones-telecoms-and-internet/advice-for-consumers/costs-and-billing/social-tariffs>> accessed 4 February 2024.

played out by politicians is that the skyrocketing prices are a result of the cost-of-living crisis and increased cost of fuel. Whilst these factors are clearly part of the story, a deeper analysis shows that the prepaid metres are also a symptom of the structural and institutional aspects of precarity and are inherently linked to austerity measures enacted by the Conservative party.<sup>36</sup>

## PART II: ENERGY AND THE SOCIAL MINIMUM

Even though fuel is provided to consumers through private law mechanisms, it is widely perceived as a *human right*, part of the minimum level of resources needed for individuals living in UK society. This section considers the relationship between energy provision and the social minimum, including identifying and justifying the concept and a consideration of the impact of privatisation and the social minimum, specifically focused on the provision of energy in the UK.

### Identifying the Social Minimum

The modern notion of a social minimum has been around since Rawls' *A Theory of Justice* in 1979. This concept recognises the importance of providing a certain minimum level of resources to all people to ensure a minimally acceptable standard of living.<sup>37</sup> This has been pivotal in how we approach issues of poverty and inequality, and is linked to the provision of welfare by the state.<sup>38</sup> Academics and philosophers have framed the social minimum in a variety of ways.<sup>39</sup> For the purpose of this article, the focus on a social minimum is identifying what is necessary for people to have a "decent and meaningful life" in the society in which they live.<sup>40</sup> This approach

<sup>36</sup> See discussion and analysis in Part III below.

<sup>37</sup> For a sample of the literature on this topic, see John Rawls, *A Theory of Justice* (Harvard University Press 1971); Amartya Sen, *Inequality Reexamined* (Harvard University Press 1992); Amartya Sen, *The Standard of Living* (Cambridge University Press 1987); Jeremy Waldron, 'John Rawls and the Social Minimum' (1986) 3 *Journal of Applied Philosophy* 21. An excellent introductory writing by Professor Stuart White can also be found at Stuart White, 'Social Minimum' (*Stanford Encyclopedia of Philosophy*, 2004), <<http://plato.stanford.edu/entries/social-minimum>> accessed 4 February 2024.

<sup>38</sup> See discussion in Toomas Kotkas, Ingrid Leijten and Frans Pennings (eds), *Specifying and Securing a Social Minimum in the Battle Against Poverty* (Hart Publishing 2019) in general and specifically Michael Alder's chapter, 'The Social Minimum in the Context of Inequality'; Stewart Lansley and Joanna Mack, *Breadline Britain: The Rise of Mass Poverty* (OneWorld Publications 2015) specifically chs 1 & 2.

<sup>39</sup> The definition of protection of a social minimum is also open for debate. For example, Waldron defines it as a 'level of material well-being beneath which no member of society should be allowed to fall' (Waldron (n 36) 21), Sen talks about the need for people to be 'happy and satisfied' (Sen, *The Standard of Living* (n 37)), and White states it is 'the bundle of resources that a person needs in order to lead a minimally decent life in their society' (White (n 37)).

<sup>40</sup> Gardner (n 10) ch 4.

is largely based on Rawls' analysis<sup>41</sup> and supported by Nussbaum, who framed the concept of a social minimum by identifying the central functional capabilities that people need to live a life which is truly 'human'.<sup>42</sup>

Throughout modern history there have been many attempts to determine the poverty level and/or social minimum. This started with the ground-breaking work of Rowntree, whose surveys on the living standards in York shocked the nation when they highlighted the extent of 'in work' poverty. Rowntree was the first person to coin the term 'poverty line', which for a long period formed the basis of the social minimum in the UK.<sup>43</sup> This research was followed by the *Breadline Britain Surveys*, which identified what society believed to be basic necessities for all citizens. These surveys were first conducted in 1983, and have been repeated numerous times since—most recently in 2012.<sup>44</sup> Later ideas around a social minimum focused on identifying a 'Minimum Income Standard'.<sup>45</sup> As Boyle has recognised, an important starting point is to outline a core obligation to provide a social minimum from which all relevant bodies—the legislature, the executive, and the judiciary—cannot depart.<sup>46</sup>

The role of a state-provided social minimum in the UK developed at great speed. Minimum wages were first set a little over 100 years ago with the protection of the 'sweated trades' in 1909.<sup>47</sup> The National Health Service (NHS) provides all people in England with access to a minimum level of health care, and was founded less than 70 years ago.<sup>48</sup> It was a mere 20 years ago that the Labour Party and Liberal Democrats both promised—if elected—to institute a country-wide minimum wage, thus starting a political, economic, and philosophical debate on the topic.<sup>49</sup> This was followed by the implementation of child and working tax credits in 2003,<sup>50</sup> which supplemented

41 Rawls, *A Theory of Justice* (n 37) 127–28.

42 Martha Nussbaum, 'Women and Cultural Universals' in Martha Nussbaum (ed), *Sex and Social Justice* (Oxford University Press 1999).

43 B Seebohm Rowntree, *Poverty: The Study of Town Life* (MacMillan and Co Ltd 1908); these surveys were repeated decades later and similar results obtained: B Seebohm Rowntree, *Poverty and Progress: A Second Social Survey of York* (Longmans, Green and Co 1941).

44 For details see Lansley and Mack (n 38) ch 1.

45 Centre for Research in Social Policy, 'Minimum Income Standards' (*Department of Social Sciences, Loughborough University*). Analysis of this Standard has been performed by Abigail Davis and others, *A Minimum Income Standard for the UK in 2016* (Joseph Rowntree Foundation 2016); Abigail Davis, Donald Hirsch and Matt Padley, 'The Minimum Income Standard as a Benchmark of a 'Participatory Social Minimum' (2018) 26 *Journal of Poverty and Social Justice* 19.

46 Katie Boyle, 'Constitutionalising a Social Minimum as a Minimum Core' in Kotkas, Leijten and Pennings (eds), *Specifying and Securing a Social Minimum in the Battle Against Poverty* (n 38).

47 Stephen Machin and Alan Manning, 'Employment and the Introduction of a Minimum Wage in Britain' (1996) 106 *The Economic Journal* 667, 668. These trades were known for their long hours and poor rates of pay, in particular clothing and boot making.

48 National Health Service Choices, 'The History of the NHS in England' (*National Health Service*, 2015) <<https://www.england.nhs.uk/nhsbirthday/about-the-nhs-birthday/nhs-history/>> accessed 4 February 2024.

49 David Greenway, 'Economic Aspects of Minimum Wages' (1996) 106 *The Economic Journal* 637.

50 Tax Credits Act 2002 (UK). See discussion of family poverty in AB Atkinson, *The Economics of Inequality* (Oxford University Press 1975) 216–18.

the minimum wage and were again designed to ensure that families in the UK did not fall below a certain designated level of income. The ongoing political focus on living wages versus minimum wages<sup>51</sup> has again reignited the discussion of a social minimum, and what, if any role it plays in the UK's political system—especially during an era of austerity.

The article does not attempt to define what is an appropriate level for a social minimum, but highlights that the provision of electricity is part of that social minimum. Most scholars accept that poverty is relative—people judge their socio-economic situation in comparison with those around them. The relativity of poverty is widely accepted across the political spectrum in the UK,<sup>52</sup> and by economists,<sup>53</sup> philosophers,<sup>54</sup> and academics alike.<sup>55</sup> As Galbraith explains,

People are poverty-stricken when their income, even if adequate for survival, falls markedly behind that of their community. Then they cannot have what the larger community regards as the necessary minimum for decency, and they cannot wholly escape therefore, the judgment of the larger community that they are indecent. They are degraded for, in a literal sense, they live outside the grades or categories which the community regards as acceptable.<sup>56</sup>

Likewise, Townsend concludes that 'poverty' should be relative to the standards and amenities 'customary' to the society in question.<sup>57</sup> Whilst it is generally perceived that the social minimum increases as society becomes more affluent, the relationship is not linear.

One of the best illustrations of what is and is not included in the social minimum—at least from the view of society—is the Breadline Britain/Poverty and Social Exclusion Surveys.<sup>58</sup> These surveys provide a very useful and unique insight into a community-defined social minimum. During specific years (1983, 1990, 1999 and 2012), adults

51 Heather Stuart, 'No 10 to Proceed with 'National Living Wage' Despite Pressure', *The Guardian* 8 August 2016; See also Community Investment Coalition, 'Submission to the London Assembly's Economic Committee investigation into low pay and the London Living Wage' <[http://www.communityinvestment.org.uk/wp-content/uploads/2013/08/CIC\\_GLA-submission-on-low-pay-Aug-13.pdf](http://www.communityinvestment.org.uk/wp-content/uploads/2013/08/CIC_GLA-submission-on-low-pay-Aug-13.pdf)>.

52 Lansley and Mack (n 38) 4–8.

53 Adam Smith, *An Inquiry Into the Nature and Causes of the Wealth of Nations* (The Modern Library 1937) book 5, ch 2, art IV.

54 Sen, *Inequality Reexamined* (n 37) 39: the social minimum can vary 'from such elementary things as being adequately nourished, being in good health, avoiding escapable morbidity and premature mortality, etc., to more complex achievements such as being happy, having self-respect, taking part in the life of the community'; also discussed in Sen, *The Standard of Living* (n 37) and Nussbaum (n 42).

55 Peter Townsend, 'The Meaning of Poverty' (1962) 13 *The British Journal of Sociology* 225. Even Raz has highlighted the importance of relativism, stating that 'a person's well-being depends to a large extent on success in social defined and determined pursuits and activities': Joseph Raz, *The Morality of Freedom* (Oxford University Press 1988) 309.

56 JK Galbraith, *The Affluent Society* (Penguin 1958) 261.

57 *ibid* 141.

58 The surveys were called Breadline Britain in 1983 and 1990, but were renamed Poverty and Social Exclusion Surveys in 1999 and 2012: Lansley and Mack (n 38) 16–17.

in Britain were given a list of items or experiences and asked whether these items were 'necessities', or were 'widespread and may be desirable but are not necessities'.<sup>59</sup> Whilst these surveys show that the exact nature of the rights and what it constitutes in terms of 'wants' versus 'needs' is still up for debate,<sup>60</sup> ensuring that households have access to 'heating to warm living areas of the home if it's cold' is consistently ranked as the most 'necessary' of all items on the list, with 97 per cent of people classifying it as a 'necessity'. There is therefore a strong argument that the provision of reliable, affordable fuel is part of the social minimum in the UK, regardless of individual financial circumstances.<sup>61</sup>

### Justifying a Social Minimum

The provision of a social minimum can be justified on many levels, three of which will be discussed here.<sup>62</sup> The first justification is that a certain level of equality is needed for a functioning democratic system. The provision of a social minimum is intrinsically connected to the social and economic rights of individuals, and these rights are key elements of a working democratic system. Satz outlines the importance of equal status in a functioning democracy, stating that 'an equal right to vote has little effective meaning if some voters are too badly educated to read a ballot; citizenship means little for the destitute if society is so structured that they have no opportunity to share in society's benefits'.<sup>63</sup> He advocates 'positive liberty'<sup>64</sup> as a fundamental tenet of democracy. If we believe in a democratic society, people need to be given a social minimum in order to exercise their democratic choice as 'co-deliberants and co-participants' in society.<sup>65</sup>

The provision of a social minimum allows people to participate in society, thus in government and democratic processes.<sup>66</sup> In contrast, inequality is 'divisive and socially corrosive', and undermines the democratic structures of our society.<sup>67</sup> It creates a range of negative outcomes, including health and social problems, political instability, delayed

<sup>59</sup> *ibid* 17.

<sup>60</sup> Gordon Walker, Neil Simcock and Rosie Day, 'Necessary Energy Uses and a Minimum Standard of Living in the United Kingdom: Energy Justice or Escalating Expectations?' (2015) 18 *Energy Research & Social Science* 129–38.

<sup>61</sup> The exact nature of the rights and what it constitutes in terms of 'wants' versus 'needs' is still up for debate; Walker, Simcock, and Day, *ibid*.

<sup>62</sup> For a more detailed analysis, see Gardner (n 10), 'Social Minimum'.

<sup>63</sup> Debra Satz, *Why Some Things Should Not be for Sale: The Moral Limits of Markets* (Oxford University Press 2010) 100, emphasis added.

<sup>64</sup> Acting in a way to have more meaningful control over one's life.

<sup>65</sup> Satz (n 63) 96, see also 100–105. This is not a new concept, see also Green TH Green, 'Liberal Legislation and Freedom of Contract' in Paul Harris and John Morrow (eds), *Lectures on the Principles of Political Obligation and Other Writings* (Cambridge University Press 1986).

<sup>66</sup> This can be applied more specifically to markets for goods and services. Markets are designed to allow a person to participate in society. Intervention into the market is therefore justified if it is harmful for the standing of parties as equal citizens in a democracy; Satz (n 63) 95.

<sup>67</sup> Louise Warwick-Booth, *Social Inequality* (Sage Publishing, 2013) 21.

economic growth, negative impacts on subjective well-being, and exclusion of the most vulnerable.<sup>68</sup> The greater the level of inequality, the lower is the trust in the government.<sup>69</sup>

The second explanation is that providing a social minimum is a *duty* of government. Political institutions must be justified—by the will, choices, or decisions of people over whom they have authority.<sup>70</sup> In a modern democracy, this equates to a government obligation for the provision of social minimum to those in need. Since the state's job is to protect the public interest, it must attempt to do good, or at the very least to prevent harm.<sup>71</sup> There is a duty to assist those who are dependent on state resources and have nowhere else to turn.<sup>72</sup> These people are vulnerable and dependent on the government, which has a special obligation to protect the group—this is the primary purpose of welfare.<sup>73</sup>

The final explanation to consider is the relationship between the social minimum and a happy, functioning society. A wide range of research highlights that the provision of a social minimum is beneficial not just for the recipients, but also for society as a whole.<sup>74</sup> Analysing the social minimum from a basic economic perspective should indicate that people 'losing' resources would be strongly against the concept.<sup>75</sup> By extension, this would mean that the provision of a social minimum is unlikely to fulfil the utilitarian test for state regulation. Surprisingly this does not play out in practice, and societies with strong welfare systems are generally the happiest.<sup>76</sup>

In their book *The Spirit Level: Why Equality is Better for Everyone*, Wilkinson and Pickett argue that once a country reaches a certain level of economic achievement, further unequal financial gains do not improve happiness levels, and are in fact likely to decrease the levels in that society.<sup>77</sup> The authors reviewed a wide range of indicators, including community life and social relations, trust, mental health and drug use,

<sup>68</sup> See discussion that statistic evidence outlined in *ibid* 18–21.

<sup>69</sup> Richard Wilkinson and Kate Pickett, *The Spirit Level: Why Equality is Better for Everyone* (Penguin 2010) 52–53. This may be linked to the impact of oxytocin on the body; see discussion in 213–14.

<sup>70</sup> Jonathan Wolff, *An Introduction to Political Philosophy*, vol 3 (Oxford University Press 2016) 35; Joseph Raz, 'Liberalism, Autonomy, and the Politics of Neutral Concern' (1982) 7 *Midwest Studies in Philosophy* 89, 112–13.

<sup>71</sup> Robert E. Goodin, *Protecting the Vulnerable: A Reanalysis of Our Social Responsibility* (The University of Chicago Press 1985) 142.

<sup>72</sup> *ibid* 147.

<sup>73</sup> *ibid* 150–51. Colm O'Cinneide, 'Giving Legal Substance to the Social Minimum' in Kotkas, Leijten and Pennings (eds), *Specifying and Securing a Social Minimum in the Battle Against Poverty* (n 38).

<sup>74</sup> Wolff (n 70) 52.

<sup>75</sup> The standard claim is that 'collective delivery of the familiar welfare services does not normally result in an increase in social well-being because particular individuals will be harmed, especially those compelled to pay for them, and because compulsion reduces freedom of choice': Norman P Barry, *An Introduction to Modern Political Theory*, 3rd edn (The MacMillan Press Ltd, 1995) 59.

<sup>76</sup> When determining what makes an individual 'happy', the following aspects were considered: GDP per capita, social support available, healthy life expectancy at birth, freedom to make choices, generosity and perceptions of corruption: John Helliwell, Richard Layard and Jeffrey Sachs, *World Happiness Report 2016, Update* (Sustainable Development Solutions Network 2016) 16 (with a detailed summary of each aspect at 17).

<sup>77</sup> Wilkinson and Pickett (n 69) 8.

physical health (including life expectancy and obesity), educational performance, violence and imprisonment, and social mobility to determine what makes the happiest society. They concluded that the majority of the population benefited from increased equality, not just the recipient of the welfare.<sup>78</sup>

### **Privatisation of the Social Minimum**

Despite the importance and acceptance of a social minimum, austerity measures and other political choices are threatening its very existence. In the era of increased 'individualisation' and 'responsibilisation' of our society, there is a chipping away of government obligations and consequently the social safety net. This has been replaced with an increased focus on private sector provision of goods which make up the social minimum. This has not however been consistent; what used to be widely considered the social minimum can now be split into two parts in the UK—that which is still provided by the government/social security and those which are now largely provided by the private market and through private law mechanisms.

#### ***Provided generally by government***

There are certain aspects of the social minimum—namely housing, medical provision, and education—that have remained important pillars in our society. Whilst the provision of these rights has been damaged significantly by austerity measures and increased precarity, they remain intact (albeit bruised and dented). Whilst there has been movement away from the classic Welfare State envisioned by the Beveridge Report, some level of political inheritance remains, despite changes in government.<sup>79</sup> The Beveridge reforms were so universally popular that subsequent Conservative governments have found it politically difficult to significantly curb their provision. Even the Spending Review 2010, which inaugurated contemporary austerity in the UK, and justified cuts to welfare recipients in particular, confirmed the importance of many pillars of the Beveridge Report, including the NHS, adequate state pensions, and the provision of free education for all.<sup>80</sup> The key aspects of the Beveridge Report and provision of a

<sup>78</sup> *ibid* 275. This is particularly evident in health. In developed nations, inequality has a much bigger impact on health than the national average income. Health and social problems are closely related to inequality in more prosperous nations; they are however only weakly related to national average income in these countries: *ibid* 20–21. The authors note that this trend is repeated within US states: 22. These health problems are not linked to only those who are negatively impacted by the inequality, but spread across all spectrums of society, indicating that in the context of health, equality is better for everyone; *ibid* 175–77.

<sup>79</sup> The 'path dependency' theory highlights that significant policy mechanisms shape political interests for many years: Robert M Page, 'The Prospects for Social Welfare' in Page and Silburn (eds), *British Social Welfare in the Twentieth Century* (Palgrave, 1999) 303.

<sup>80</sup> HM Treasury, *Spending Review 2010*, 6–7. The education assistance has specific benefits to those most in need, including 15 h a week for young children and the introduction of a £2.5 billion pupil premium to assist the most disadvantaged.

social minimum have endured, albeit damaged, for numerous decades and across many political changes.<sup>81</sup> Politicians are careful to ensure that new reforms are not seen as taking away the social minimum, but rather as shifting the emphasis or limiting its application to those deemed 'not worthy' of state assistance. Commentators have therefore optimistically noted that 'the Welfare State is here to stay'.<sup>82</sup>

### ***Provided through 'private law' mechanisms***

Other aspects of the social minimum are now largely subject to private sector provision and private law mechanisms. Examples of these, aside from electricity, are the provision of water and the internet. While water is subject to the same private law contracting mechanisms as electricity, there are additional protections in place which acknowledge that water provision is part of the social minimum. For example, customers *cannot be disconnected from water supply* for non-payment as this is considered 'essential services' by OfWat, the regulator (although they can still have debt collectors chasing them<sup>83</sup>). In addition, all water providers must have social tariffs for people who are struggling to pay their bills.<sup>84</sup>

There are also more protections in place for people wishing to access the internet when compared with electricity. It is recognised that access to the internet is increasingly seen as a social necessity in the context of widespread uptake, for example there is increased digitalisation of both consumers goods and services as well as public provision of government services. The private market has responded: a number of private providers have voluntarily *chosen* to implement subsidised social tariffs for people on Universal Credit. This is because, like water, access to the internet is seen as an 'essential' product.<sup>85</sup> Providing this social good does not appear to have hurt the profits of telecommunications companies, with the telecommunications industry making £31.8 billion of profit in 2022 alone, with a growth of 8.5 percent forecast in 2023.<sup>86</sup>

<sup>81</sup> Although the Beveridge Report findings were broadly subscribed into the principles of the Labour Party, the majority of the practical development of these principles actually occurred under the Conservative Party which has continued to 'cautiously praise' the communitarian aspects of the Welfare State: John Stewart, 'The Twentieth Century: An Overview' in Page and Silburn (eds), *British Social Welfare in the Twentieth Century* (Palgrave, 1999) 17; Norman Barry, 'Neoclassicism, the New Right and British Social Welfare' in Page and Silburn (eds), *British Social Welfare in the Twentieth Century* (Palgrave, 1999) 55; Warwick-Booth (n 67) 171.

<sup>82</sup> John F Sleeman, *The Welfare State: Its Aims, Benefits and Costs* (George Allen & Unwin Ltd, 1973) 187.

<sup>83</sup> We have argued elsewhere that debt collection for household bills is questionable and other mechanisms should be used; Jodi Gardner and Mia Gray, 'The UK Debt Collection Industry: Why Regulation Isn't Enough' in C Stanesco (ed.), *Regulation of Abusive Informal Debt Collection* (Routledge, 2023).

<sup>84</sup> CCW, 'Help with Bills' <<https://www.ccw.org.uk/save-money-and-water/help-with-bills/>> accessed 4 February 2024.

<sup>85</sup> For example: Virgin 'Our Essential Broadband Packages Help Anyone on a Low Income Get Online'.

<sup>86</sup> Statista, 'Telecoms in the United Kingdom – Statistics & Facts' <<https://www.statista.com/topics/7198/telecommunications-industry-in-the-united-kingdom/#topicOverview>> accessed 25 May 2024.

This only serves to highlight that electricity stands out as a social good which has no safety net in the UK to ensure minimal levels of provision for heating, cooking, and bathing. Surely this good is more of essential to households in the UK than broadband, yet there is no equivalent private market response and very limited consistent and government initiated long-term, strategic safety net (as opposed to reactive, piecemeal issues when under significant political pressure and media attention). It is argued that this move is a direct breach of the government's obligations to its citizens, and that provision of electricity is a part of the basic social minimum. Clear and decisive action is therefore needed to respond to the precarity that has allowed this situation to develop, and to ensure that people do not have to live with the ongoing threat of electricity disconnections. Before this can be considered, it is important to understand the background and political choices that allowed the energy crises to develop.

### PART III: ENERGY PROVISION AND PRECARIETY

The multiple intersecting crises that the UK is currently experiencing—fuel poverty, disconnection, and forced prepaid metres—are often portrayed as inevitable consequences of international factors beyond the control of the domestic political parties. Whilst it is recognised that national political parties have little control over wholesale fuel prices, this is only one part of a very complex story. This section highlights that the current situation is the result of political *choices*, starting with the nationalisation of electricity and exacerbated by austerity-related precarity. As there are many different aspects of this situation, we have broken it down into three separate types of precarity—(a) financial and personal, (b) institutional and market, and finally (c) legal. Each of these will be considered individually.

#### **Financial and Personal Precarity: Austerity Really Bites**

Between the global financial crisis and the Covid lockdown, the UK government embraced policies of austerity which have severely reduced per-person spending on many public services. Contemporary austerity in Britain is both a powerful political discourse and an integrated plan of sustained reductions of state expenditure.<sup>87</sup> Between 2010 and 2018, UK austerity has resulted in persistent and long-standing underfunding of social programs; a reduction in the number of public sector jobs; a chronically underfunded physical and social infrastructure; deregulation of markets; and the diversion of public sector resources to the private sector. McKay and Rowlingson characterise these

<sup>87</sup> M Gray and A Barford, 'The Depths of the Cuts: The Uneven Geography of Local Government Austerity' (2018) 11(3) *Cambridge Journal of Regions, Economy and Society* 541–63.

austerity policies as ‘shredding the (social security) system for people of working age.’<sup>88</sup> Lobao and colleagues portray these changes as indicative of a ‘shrinking state.’<sup>89</sup>

As part of this, one substantial and consequential change was in the structure and accessibility of the UK state’s provision of social benefits. This was not new; in 1997 as part of the Labour Party’s ‘New Deal’, Britain embraced welfare reform which encouraged recipients into work or education in a bid to lessen welfare dependency and to reduce government spending.<sup>90</sup> As in many other countries, this shows how the UK’s benefit system has been steadily moving away from a rights-based benefit system to one that is increasingly reliant on conditionality. The latest round of austerity-focused welfare reform *intensifies* the conditionality around work. In 2012, the Conservative-Liberal Democratic government brought in a new round of welfare reforms which extended welfare conditionality—reserving state benefits for those who worked or actively sought work—and increased the requirements needed for the disabled, the unemployed, and parents of young children to qualify for state aid. This holds true without reference to the closeness of the match between job and worker skills, the quality of the job itself, or conditions in the local labour market. Peck<sup>91</sup> calls this approach the ‘spread of the workfare project’. Although welfare conditionality long predates austerity, the narrative around austerity’s tightening of the public purse strings functions to legitimise and intensify another round of the workfare project.

Although many of those receiving benefits in the UK have been ‘successfully’ pushed into work, this has not lifted them out of poverty. Instead, many have been pushed into poor quality, low paid work. Many people on benefits have found work that is insecure—non-standard jobs, zero-hour contracts, gig-economy work, and platform-based ‘self-employment’—where there is often little guarantee of a minimum number of hours or certainty of a basic income.<sup>92</sup> Incomes (and paychecks) can vary tremendously, depending on variable hours and changing demand from employers or platforms, which makes personal budgeting difficult and levels of personal debt rise. When combined with the sky-rocketing yet uncertain electricity bills, this is a recipe for disaster.

<sup>88</sup> S McKay and K Rowlingson, ‘Social Security Under the Coalition and Conservatives: Shredding the System for People of Working Age; Privileging Pensioners’ in *The Coalition Government and Social Policy* (Policy Press 2016), 179–200.

<sup>89</sup> L Lobao, M Gray, K Cox and M Kitson, ‘The Shrinking State? Understanding the Assault on the Public Sector’ (2018) 11(3) *Cambridge Journal of Regions, Economy and Society* 389–408.

<sup>90</sup> P Sunley, R Martin, and C Nativel, ‘Mapping the New Deal: Local Disparities in the Performance of Welfare-to-Work’ (2001) 26(4) *Transactions of the Institute of British Geographers* 484–512.

<sup>91</sup> J Peck, *Workfare states* (Guilford Press, 2001).

<sup>92</sup> J McBride and A Smith, ‘I Feel Like I’m in Poverty. I Don’t do Much Outside of Work Other Than Survive’: In-Work Poverty and Multiple Employment in the UK’ (2022) 43(3) *Economic and Industrial Democracy* 1440. C Beatty, C Bennett and A Hawkins, ‘Managing Precarity: Food Bank Use by Low-Income Women Workers in a Changing Welfare Regime’ (2021) *Soc Pol’y & Administration* 981–1000; and J Rubery and others, ‘Challenges and Contradictions in the ‘Normalising’ of Precarious Work’ (2018) 32(3) *Work, Employment and Society* 509.

The Joseph Rowntree Foundation's (JRF) statistics on poverty show that UK poverty has steadily risen since 2010. Their 2024 report notes that 22 per cent of people, more than one in five, were in poverty in 2021/2022. This includes 8.1 million working-age adults, 4.2 million children, and 2.1 million pensioners.<sup>93</sup> The report also shows that the intensity of poverty has also increased. Over 6 million people in 2021/22—or four in ten of those in poverty—found themselves in what they term 'very deep poverty' with an income far below the poverty line.<sup>94</sup> Within this, there is also an alarming increase of people in 'destitution'—where individuals find it difficult or impossible to fulfil the most basic physical needs to 'stay warm, dry, clean and fed.'<sup>95</sup> The JRF found that 3.8 million people in the UK faced destitution in 2022, including around one million children.<sup>96</sup> This is almost two-and-a-half times the number of people who experienced destitution in 2017. Crucially, most people experiencing destitution (nearly 75 per cent) receive social security payments, which is further evidence of the inadequacy of the benefit system to allow people to escape even the deepest forms of poverty. Relatively few (11 per cent) of the people experiencing destitution had paid work (including informal, part-time, or cash-in-hand work).<sup>97</sup>

Other elements of the reformed welfare system also contributed to increased levels of poverty and precarity.<sup>98</sup> One of the flagship pieces of this report is the creation of the 'Universal Benefits' programme. The UK Government has described this policy in the following manner:

Universal Credit is revolutionising the welfare system by making work pay. The design and structure of Universal Credit is transformational, it focuses on replicating the world of work, encouraging claimants to take greater responsibility for their finances and incentivising them to earn more and progress in work. At the same time Universal Credit provides support for people who can't work or need help moving towards the labour market. Universal Credit is already transforming lives and evidence shows people are moving into work faster and working longer with Universal Credit than under the old system.<sup>99</sup>

Despite the marketing, critics argue that Universal Credit has been a drastic failure which has caused widespread suffering for many people.<sup>100</sup> There have been significant

<sup>93</sup> Joseph Rowntree Foundation, *UK Poverty 2024, The Essential Guide to Understanding Poverty in the UK* (2024) 6.

<sup>94</sup> *ibid.*

<sup>95</sup> S Fitzpatrick and others, *Destitution in the UK 2023* (Joseph Rowntree Foundation, 2023).

<sup>96</sup> *ibid.*

<sup>97</sup> *ibid.* 23.

<sup>98</sup> C Beatty, C Bennett, and A Hawkins, 'Managing Precarity: Food Bank use by Low-Income Women Workers in a Changing Welfare Regime' (2021) 55(5) *Social Policy & Administration* 981. A Barford and M Gray, 'The Tattered State: Falling Through the Social Safety Net' (2022) 137 *Geoforum*, 115–25.

<sup>99</sup> Department for Work & Pensions, *Universal Credit Statistical Ad Hoc: Payment Timeliness* (Dept for Work & Pensions 2017) 1.

<sup>100</sup> Anna Barford and Mia Gray, 'The Tattered State: Falling Through the Social Safety Net' (2022) 137 *Geoforum* 115–25, 119.

issues with how the reforms have been carried out, which has been costly to both the government and the people reliant on the benefits for survival. The Mayor of Liverpool described the situation as ‘what was once a flagship scheme to “make work pay” by rolling a range of benefits into a single payment has become a byword for institutional sclerosis and incompetence.’<sup>101</sup>

A 2017 report from Citizens Advice found that people in receipt of Universal Credit were more likely to have priority debts than those on other benefits,<sup>102</sup> were more likely to struggle with rent and council tax arrears,<sup>103</sup> and had less available income to pay creditors.<sup>104</sup> These problems arise from many aspects of Universal Credit, including the five-week wait until their initial payment.<sup>105</sup> During this period, many people have no available income and therefore have to rely on credit they cannot afford, merely to cope. Universal Credit offers a loan to those claimants who need it, or an ‘advance’ to get through this period, which means people on low incomes often start their time on state benefits in debt with monthly repayments being deducted from their benefits. In 2021, over £124 million was deducted from benefits. Of this, more than £80 million was for debt owed to the Government for benefit advances, overpayments, and errors (while another £44 million was for third-party deductions for things like rent arrears, Council Tax arrears, and fuel bills).<sup>106</sup> This can comprise as much as 25 per cent of a low-income person’s standard allowance. The scale and scope of these deductions is another way in which the UK benefits system is structured to intensify precarity.

In a study of the early rollout of the full Universal Credit service, Barford and Gray<sup>107</sup> found that in ‘the general restructuring of the welfare benefit system, and the specificities of Universal Credit, claimants have faced significant challenges in accessing the minimum amount of money they need to live.’ They found both increased barriers to accessing benefits and stronger punishments associated with non-compliance. They discovered that many who found accessing the new benefits system so frustrating that they gave up trying to get the benefits to which they were entitled, relying instead on family support.<sup>108</sup>

The rising rates of precarity, poverty, and destitution in the UK became so dire that Great Britain and Northern Ireland was visited in May 2019 by the United Nations Special Rapporteur on extreme poverty and human rights. Whilst the findings of the

101 Introductory comments in Liverpool City Council, *Universal Credit: Unintended Consequences* (Liverpool City Council 2017) 3.

102 Chris Drake, *Universal Credit and Debt* (Citizens Advice 2017) 8.

103 *ibid* 10.

104 *ibid* 11.

105 *ibid* 11–14.

106 Child Poverty Action Group, ‘Reducing Deductions: The First Step in a Package of Support for Low-Income Households’ <<https://cpag.org.uk/news/reducing-deductions-first-step-package-support-low-income-households>> accessed 4 February 2024.

107 Anna Barford and Mia Gray, ‘The Tattered State: Falling Through the Social Safety Net’ (2022) 137 *Geoforum* 115–25, 119.

108 *ibid*

report are clearly the basis for concern, the mere fact that someone whose job is to investigate 'extreme poverty' visited the UK highlights just how dire the situation has become. The report condemned austerity measures and the impact they had on poverty levels, including the increased financial precarity; the Special Rapporteur commented that a record number of people are just one financial hiccup away from falling into poverty.<sup>109</sup> He also criticised the 'shocking increase in the number of food banks and major increases in homelessness and rough sleeping; a growing number of homeless families',<sup>110</sup> and that due to austerity measures 'great misery has been inflicted unnecessarily'.<sup>111</sup>

Thus, we can see how the precarity caused by the labour market is intensified by the intentional precarity of the benefits system. Rather than countering economic downturns with increased welfare spending, which functions to buffer the most economically vulnerable from the worst of the economic cycle, the reliance on low-paid, low-quality work which is embedded in the system of Universal Credit increases precarity and insecurity amongst the poorest. Added to this is the precarity coming from the institutional structure of the benefits system itself. The intentional wait for the first payment, increased barriers to accessing benefits, and the structure of debt repayment (for an advance or for overpayments) all add to the financial precarity and the insecurity experienced by many low-income individuals in the UK.

### **Institutional and Market Precarity: Private Gain at Public Cost**

The market orientation of energy provision in the UK creates yet another form of precarity. As laid out earlier, the UK provides fuel through a largely unregulated consumer market, despite arguments that fuel should be considered a public good and is a fundamental element in a social minimum. Clearly, low-income people in 'destitution' are going without electricity. Like many other forms of privatisation, the provision of electricity shows how the sale of public goods has created private gains, but the costs have been disproportionately borne by the public. This is true of many other sectors as well—the national headlines consistently broadcast the failings of privatisation; the failing public transport system, and the pumping of sewerage into waterways. These all occurred in areas or institutions where previously public goods were moved into a profit-making capitalist framework with little regulatory oversight.

When these traditionally public services are moved into the private sphere, the concern naturally moves away from the people and focuses on profits. This creates incentives to ignore the vulnerable, disregard environmental factors, and cut quality; all of these have had drastic impacts on society. The impact of this on the energy market has already been emphasised above—when prices skyrocketed during a cost-

<sup>109</sup> *ibid* 6.

<sup>110</sup> *ibid* 3.

<sup>111</sup> *ibid* 4.

of-living crisis, increasing numbers of people could not pay their bills without financial hardship, or at all. Without an effective regulator or specific obligations on providers to ensure access of services to the vulnerable, people were disconnected or moved onto prepaid metres where they 'self-disconnected' through lack of adequate funds.

### **Legal Precarity: (In)Access to Justice**

The final aspect to consider is how increased legal precarity has added to the energy crises. As has already been outlined in Part I, this legal precarity commenced when the electricity supply industry was privatised with the passing of the Electricity Act 1989. The change from public provision of electricity to private law agreements meant that something which had previously been considered a public good and available to all was now classified as a consumer good that needed to be purchased through a contract from a profit-making business. This meant that citizens were now consumers responsible for the consequences of an inability to pay for their purchases. When people cannot pay their bills or do not have funds for the prepaid metre, they are portrayed as making a choice to disconnect (not providing funds for a prepaid metre is officially referred to as 'self-disconnection'). The changed narrative which focuses on self-responsibility largely allows the government and firms to wash their hands of the outcome.

The government has recognised a certain level of importance of electricity, and therefore implemented procedural guidelines to prevent inappropriate or undue disconnections or forced installation of prepaid metres. Companies that wish to install a prepaid metre need to obtain court warrants before they can enter customers' homes. They can however disconnect supply from non-vulnerable customers if (a) their bill is outstanding for more than 28 days, (b) the customer refuses to allow the installation of a prepaid metre, and (c) the company provides at least seven working days' notice.<sup>112</sup>

In addition to the minimum legal requirements, most electricity providers have signed up to the Energy UK Vulnerability Commitment. This document provides a range of additional obligations on providers in relation to households considered vulnerable, including not disconnecting vulnerable groups (particularly over winter), providing payment support when appropriate, and identifying and assisting customers considered at-risk. This is however more of a statement of intention rather than a binding legal requirement for private sector providers. Steve Crabb, Independent Chair of the Vulnerability Commitment, said 'the Energy UK Vulnerability Commitment doesn't police a minimum safety net for customers—it pushes suppliers to reflect on what they do and constantly work to do it better.'<sup>113</sup>

The requirement of obtaining a warrant is meant to act as a safety valve, ensuring that companies have complied with all their legal obligations and are not approving

<sup>112</sup> See details in Electricity Act 1989, Schedule 6 (The Electricity Code).

<sup>113</sup> Energy UK, 'Vulnerability Commitment Good Practice Guide published' <<https://www.energy-uk.org.uk/news/vulnerability-commitment-good-practice-guide-published/>> accessed 4 February 2024.

metres on protected, vulnerable households. However, austerity-related cuts on court resources have chipped away at this basic protection. An investigation by the BBC highlighted a disturbing trend of mass approval of these warrants. Previously, each warrant had been carefully scrutinised to ensure compliance of all legal obligations, but this was now considered by courts as 'disproportionate'. Faisal Islam reported.

In an internal FAQ post for magistrates, Mr Webster told magistrates the "advice given to justices has not kept up with changes in the way utility companies operate". As the remedy sought by energy companies for unpaid bills is no longer disconnection, but installation of a prepayment meter, "checks magistrates have been asked to make are now disproportionate and go far beyond the legal requirements".

In 2022, as the cost of living crisis took hold, magistrates approved more than 1,000 warrants a day. Almost all of these claims are now authorised electronically or over the phone, by specific magistrates courts allocated to each energy company.

Energy company agents apply by telephone and send in large spreadsheets with between 100 and 1000 cases, where customers are told they do have the right to contest the warrant, but many do not respond. The hearings will sign off, issue and send all the electronic warrants in "a maximum of 15 minutes" according to evidence from pilots. Legal experts suggest that the advice showed that magistrates were no longer safeguarding vulnerable people and were instead accepting the word of big energy companies "in good faith".<sup>114</sup>

The mass approval of warrants to install the metres in UK courts has come under scrutiny. Data from the Ministry of Justice, obtained through a Freedom of Information request, showed that a mere 1 per cent of the 371,081 of the forced prepaid metre applications made by private companies were rejected in 2022.<sup>115</sup> The statistics for Arvato Financial Solutions, a company used by the energy supplier to pursue debts, were even worse. The company made 122,536 applications to gain entry into homes last year and only 11 were rejected.<sup>116</sup>

Austerity measures and the shrinking of the Welfare State have been particularly harmful for the legal sector and access to justice. Households are provided with notice of the warrant under the Electricity Code, but this has had little impact. It is very difficult for individuals to get the advice and support they need. There is a lack of funds for community legal centers, which need to prioritise their support to the most vulnerable parties and serious matters. Citizens Advice Centres are shutting down due to lack of funds, or are overwhelmed and cannot provide face-to-face advice anymore.<sup>117</sup>

<sup>114</sup> Faisal Islam, 'Courts waved through warrants to forcefit prepayment meters' (*BBC News*, 4 February 2023) <<https://www.bbc.com/news/uk-64524156>> accessed 4 February 2024.

<sup>115</sup> Alex Lawson, 'British Gas debt agents made third of all applications to force-fit prepay meters' (*The Guardian*, 12 March 2023) <<https://www.theguardian.com/business/2023/mar/12/british-gas-service-arvato-made-a-third-of-all-warrant-request-to-force-fit-prepay-meters>> accessed 4 February 2024.

<sup>116</sup> *ibid.*

<sup>117</sup> P Butler, 'When a Citizens Advice has to close despite demand being "off the scale"' (*The Guardian*, 3 February 2024) [https://www.theguardian.com/uk-news/2024/feb/03/citizens-advice-closing-mansfield-council-funding?CMP=share\\_btn\\_tw](https://www.theguardian.com/uk-news/2024/feb/03/citizens-advice-closing-mansfield-council-funding?CMP=share_btn_tw) accessed 4 February 2024.

There is also no chance that households will be able to obtain legal assistance to challenge the energy companies. Drastic reductions have been seen in the availability of civil legal aid as a result of the *Legal Aid, Sentencing and Publishing of Offenders Act 2012* (UK) ('LASPO'). LASPO removed legal aid for almost all welfare benefit cases, housing matters that did not constitute 'an immediate risk to the home', and for family law cases without proof of domestic violence, forced marriage or child abduction. The impact of cuts in funding to legal aid has not however been equally felt across the country, with already disadvantaged regional areas being the worst hit.<sup>118</sup> Access to justice was further debilitated by the closure of Magistrates Courts; austerity and subsequent government cuts have meant that, in less than a decade, half of all Magistrates Courts in England and Wales have closed.<sup>119</sup>

A section in the Special Rapporteur's report was devoted to the 'decimation' of legal aid and the impact of LASPO. The reduction in access to legal assistance has prevented those most vulnerable in society from claiming and enforcing their rights. This has wider ramifications, as 'lack of access to legal aid also exacerbates extreme poverty, since justiciable problems that could have been resolved with legal representation go unaddressed'.<sup>120</sup> This all had a significant impact on the energy crises. The austerity measures meant that the implementation of Universal Credit occurred at the same time as the (near complete) removal of legal aid for welfare cases. This meant that vulnerable people have no ability to obtain the legal assistance necessary to challenge the—often incorrect—decisions being made about their eligibility for benefits, or to challenge electricity providers.

## CONCLUDING THOUGHTS: WHAT CAN BE DONE?

Providing public goods through the market and private law mechanisms remains problematic. This article explores the tensions and contradictions of the private gains and public costs of privatisation through the lens of the electricity market. The government has privatised the provision of electricity and provided minimal regulation around the new private sector firms. The Conservative government wanted to achieve a regulatory 'light-touch'—procedural-based protections—which has not traditionally controlled price nor ensured a minimum quantity for low-income consumers. In fact, low-income consumers are poorly served in existing regulation—UK energy regulation does not include access to a social tariff or a prohibition on forced prepaid metres.

<sup>118</sup> Dominic Gilbert, 'Legal Aid Advice Network 'Decimated' by Funding Cuts' (*BBC News*, 10 December 2018) <<https://www.bbc.co.uk/news/uk-46357169>> accessed 4 February 2024. The discussion is largely based on research undertaken by Jodi Gardner and Mary Spector and published in 'Austerity and Access to Justice' in D Wei, JP Nehf & CL Marques (eds), *Innovation and the Transformation of Consumer Law* (Springer Publishing, 2020).

<sup>119</sup> Owen Bowcott and Pamela Duncan, 'Half of magistrates courts in England and Wales closed since 2010', (*The Guardian*, 27 January 2019) <<https://www.theguardian.com/law/2019/jan/27/half-of-magistrates-courts-in-england-and-wales-closed-since-tories-elected>> accessed 4 February 2024.

<sup>120</sup> *ibid* 10.

While the regulators, Ofgem, are trying to encourage private sector firms to behave responsibly and look out for vulnerable consumers, they have few direct powers, and their hands are often tied. As a result, unless customers are in a protected vulnerable category, energy suppliers can either disconnect their electricity support or obtain a warrant to install a prepaid metre. The latter is the quintessential responsabilisation of a public good.

This exposure to the vagaries of the private energy market has corresponded with UK's embrace of austerity policies. One of the most challenging changes for many people with low incomes has been the cuts to the welfare system, pushing many into low-quality and precarious work, and the purposeful five—week wait for the first check which leaves many in debt. The two trends together leave many in deep poverty, unable to afford electricity, and in debt to their energy providers. Some customers switch to metered electricity, some customers 'self-disconnect', and others have metered electricity forcibly installed as a form of debt collection. In this sorry tale, all moral blame is put upon people with low incomes and an inability to budget or plan financially—not with the political and commercial choices that put them in this precarious structural position.

This situation cannot be justified if we see energy provision as part of the social minimum. The idea of a social minimum is a popular one and has a strong basis in philosophy. However, for the concept of a social minimum to be effective and valuable, the state needs to focus on both the provision and maintenance of an agreed social minimum. The current concept of the social minimum is usually focused on the *provision* of an adequate bundle of resources. It does not tackle the question of the *maintenance* of these resources.<sup>121</sup> This is particularly relevant in the context of the energy market and prepaid metres, which allows governments and electricity providers to hide poor treatment of consumers behind the fallacy of 'self-disconnections'. We need to recognise that access to electricity is part of the social minimum and therefore must be maintained. Having a family on a low-income self-disconnect every 10 s whilst international companies make unprecedented profits should not be justified.

Access to electricity, particularly for heating, is part of what many would consider the social minimum but is currently not adequately protected by either public provision, a social tariff, or regulatory structures that disallow disconnection. As outlined in Part III, despite political commentary indicating otherwise, this situation has not arisen solely from the increased energy prices and international, political events. Instead, it is the result of 14 years of political choices embracing austerity which have made life more precarious for households around the country. As a result, increased regulation—including ending the instalment of prepaid metres—is not enough. Instead, the state must focus on addressing the symptoms of a much larger structural problem of austerity and precarity. We need to truly value the social minimum and rethink the fundamental role of electricity in our communities. We advocate for the

<sup>121</sup> White (n 37) pt I; Gardner (n 10) ch 5.

idea of a social minimum to be embedded in our laws around energy provision. The UK needs to conceptualise electricity as a public good in line with a social minimum—this in and of itself would change how we think about energy production and distribution. We would also argue for either public provision of energy or a regulatory body that has teeth and can impose large fines on firms that display poor treatment of consumers, which can shut down companies that flout protective regulation, and which is bolder in its regulatory oversight. The idea of a social minimum—that there is a package of basic goods that every individual needs to have in a functioning society—would then form a fundamental approach to treating a section of energy consumers as ‘protected from market forces’.

In 2022, over 3.2 million people in the UK, many in destitution or the deepest levels of poverty, were disconnected from their electricity supply. The debacle over forced installation of prepaid metres in the UK is a lens to shine a light on the contradictions of such basic goods being provided and distributed privately with little regulation and no sense of public purpose. The energy crises—fuel poverty, disconnections, and forced prepaid metres—currently being experienced in the UK force us to rethink the provision of electricity. It is currently viewed through the lens of private law contractual provision of services, corporate needs, and profits. Recognising the provision of energy as a basic human right is not only the morally right thing to do, it also allows us to change the narrative and the institutional structures around energy provision. Ownership structures, regulatory regimes, legal approaches, and the public narrative which justifies the status quo may need to change. As Lam reminds us, ‘if you want to add tension to a story, add a ticking clock.’ Every 10 s another person on prepaid metres in the United Kingdom has their electricity cut off—the clock continues to tick.

#### DISCLOSURE STATEMENT

No potential conflict of interest was reported by the author(s).

#### ORCID

Mia Gray  <http://orcid.org/0000-0002-1002-0879>