

Neglect, Violence and Abuse

1. In your country, are there specific studies or surveys on violence, abuse & neglect experienced by persons?

The Safe Later Lives: Older People & Domestic Abuse was published in October 2016 by the charity SafeLives supported by Age UK; the report highlights the following findings;

- Systematic Invisibility
- Long term abuse and dependency issues
- Generational attitudes about abuse³ may make it hard to identify
- Increased risk of adult abuse
- Services are not effectively targeted at older victims, and do not always meet their needs
- Need for a more coordination between services

Reports to Local Adult Safeguarding Teams are recorded; statistical evidence is available locally and nationally. Action on Elder Abuse maintains a confidential telephone service for victims of abuse to speak to an advisor and a body of evidence is being gathered. It has been reported that elderly persons have also telephoned the Silver Line Service help line to report abuse.

2. (a) What forms of violence, abuse & neglect are registered? What is the setting in which they occur? Is there information about the type of perpetrators?

The five common types of abuse: physical, psychological, financial, sexual abuse and neglect; these abuses are crimes. Action on Elder Abuse note that often, the people who abuse older people are exploiting a special relationship. They are in a position of trust or have created an expectation of trust, whether through family bonds, friendship or through a paid caring role, and this trust is exploited. The organisation also identifies that abuse occurs in various settings; it may someone's own home, in a carer's home, in a day centre, in a residential home, in a nursing home, or in a hospital. They point out the key issue is not about where someone lives or visits, but about whether the opportunity exists for another to abuse the relationship of trust and exploit or harm them. Research demonstrates the abuser is often well known to the person being abused. They may be: a partner, child or relative, a friend or neighbour, a paid or volunteer care worker, a health or social worker, or other professional, older people may also be abused by a person they care for.

(b) Does violence, abuse & neglect particularly affect specific groups of older persons? If so /which groups & how

The Prevalence Study supported by Action on Elder Abuse in 2007, indicated 4% of older people (both men and women) experienced abuse in their own homes (at least 342,000 people). When this data was adjusted to include every instance of abuse the percentage figure rose to 8.6%. However, both Action on Elder Abuse and Age UK highlight that women over 70 years who are dependant, frail and alone are particularly vulnerable to all types of abuse; a prevalence of psychological abuse, usually through intimidation or coercion linked to financial abuse.

3. Does your country's legislation explicitly address issues of violence, abuse & neglect against older persons? If not, what legislation applies to such issues in the context of older persons? Does this legislation sufficiently address the full range of violence against older persons?

On 15th June 2016 Action on Elder Abuse launched a campaign to introduce a new aggravated offence of elder abuse. It published a detailed report outlining the failure of the current criminal justice system to adequately prosecute perpetrators of abuse, and the extent of lenient sentencing if such cases do reach the courts system. There are thousands of abuse crimes perpetrated against older people in the UK each year, and the majority never

achieve justice. An estimated 413,500 people aged 65 or over in England and Wales experience some form of abuse each year – ranging from neglect and fraud to physical and sexual assaults – yet in 2015/16 the number of successful criminal convictions (3,012) represents just 0.7% of total prevalence. This means that 99% of those who commit crimes against older people go unpunished. (Source: Action on Elder Abuse)

In England, the Care Act 2014 & the accompanying Care and Support Statutory Guidance hold the local authority as the lead adult safeguarding agency; until the act came into force in April 2015 there was no law dealing specifically with safeguarding adults who might be at risk of abuse or neglect.

Under the Care Act 2014 the local authority has three specific duties:

- Duty to make enquiries where there is reasonable cause to suspect an adult with care needs is being abused.

Whilst the local authority is responsible for making enquiries it must involve other relevant agencies/partners; these include Clinical Commissioning Groups, NHS Trusts, Department for Work & Pensions, the police and probation service. If a crime is suspected the police must be informed and investigate; the statutory guidance states the early involvement of the police is likely to have benefits particularly in obtaining and preserving evidence.

- Set up a Multiagency Adult Safeguarding Board.
- Safe Guarding Boards have a duty to arrange for case reviews where there has been a serious safeguarding incident.

Nursing Homes, Care Homes & Care Agencies must be registered with the Care Quality Commission (CQC) who carry out statutory inspections to ensure providers comply with set identified standards. They have a range of enforcement powers up to and including de-registering a care provider. However, directly employed personal assistants do not have to register. As these individuals may be employed via Local Authority Direct Payments there is a greater responsibility on the same authority in terms of safeguarding against abuse. The CQC also inspect Acute Hospital provision. Following the publication of the Report of the Mid Staffordshire NHS Foundation Trust Public Enquiry in February 2013, the inspectorate was restructured to include much revised and stringent inspections of acute hospital services; this became operational in September 2013. Disclosure and Barring Service (DBS) was set up by the Home Office to help employers make safer recruitment decisions. It carries out criminal record checks for individuals in a *regulated activity*. This covers the provision of health and/or social personal care and domestic help to those adults who need it because of age, illness or disability. The DBS has the power to bar individuals from working with vulnerable adults. The Mental Capacity Act 2005 may be applicable in some instances. The act provides a legal framework to support and protect people with serious cognitive impairments; whilst not specifically designed to protect the elderly, those suffering from dementia may be protected if necessary

4. What legislation exists to protect older persons specifically against financial abuse, including inheritance abuse?

The Court of Protection deals with issues arising in relation to the health, care and financial resources of people who lack mental capacity to manage their own affairs. The Office of the Public Guardian is a public body that works with the Court of Protection; its main role is to register applications for powers of attorney. These powers granted by an adult to another person to allow them to manage their financial affairs or make decisions on health and welfare issues if they lose mental capacity in the future; this is often a family member. However, this arrangement can be open to abuse and exploitation especially in respect of financial abuse; the office also has a duty to investigate allegations of abuse by registered attorneys