Submission to the Calls for Inputs on Violence Against Older Persons – 2023 HRC Report

March 2023

**Introduction**

Wales is one of the four countries that make up the United Kingdom (UK) and is recognised as a pioneer in the field of domestic abuse policy and practice[[1]](#endnote-1).

This response has been prepared by the Older People’s Commissioner for Wales (OPCW), with contributions from Welsh Government. Wales was the first country in the world to appoint an Older People’s Commissioner (2006)[[2]](#endnote-2). The Commissioner fulfils an independent statutory role, which protects and promotes the rights of older people living in Wales[[3]](#endnote-3). One of the Commissioner’s priorities is to stop the abuse of older people.

**Legal, Policy and Institutional Frameworks**

Wales has had some degree of self-governance since devolution in the late 1990s[[4]](#endnote-4). The Welsh Parliament can legislate on non-reserved matters resulting in Wales-specific legislation in certain areas[[5]](#endnote-5).

Issues of domestic abuse are largely addressed through the VAWDASV (Violence Against Women, Domestic Abuse and Sexual Violence) Act 2015[[6]](#endnote-6). The Welsh Government’s ‘National Strategy on Violence against Women, Domestic Abuse and Sexual Violence – 2016-2021’[[7]](#endnote-7) has been updated[[8]](#endnote-8) following consultation. The OPCW responded to this consultation and called for an increased focus on the needs of older people experiencing abuse[[9]](#endnote-9). The work of the all-Wales strategy is to be undertaken by specific work-streams (each focused upon an identified area of VAWDASV); a workstream has been established to consider and address the abuse of older people.

The Social Services and Wellbeing (Wales) Act, 2014[[10]](#endnote-10), made significant changes to adult safeguarding in Wales. The 2014 legislation:

* Strengthened the duty for Local Authorities to make enquiries [[11]](#endnote-11)
* Introduced an Adult Protection and Support Order [[12]](#endnote-12)
* Established a National Independent Safeguarding Board (NISB) to work with Welsh Government and to strengthen the safeguarding practices of regional safeguarding boards[[13]](#endnote-13).

The Wales Safeguarding Procedures[[14]](#endnote-14) were introduced in 2019 and sought to improve safeguarding interventions through standardising the work of organisations with adults at risk.

The Welsh Government recently consulted on a draft National Action Plan to Prevent the Abuse of Older People[[15]](#endnote-15) (this was a commitment made in its ‘Strategy for an Ageing Society’ [[16]](#endnote-16)). The OPCW provided a comprehensive response[[17]](#endnote-17) and Welsh Government is now preparing a post-consultation Action Plan, which will set out the measures needed across Government to ensure that older people are protected from abuse.

The criminal justice system and legal jurisdiction of England and Wales are reserved, non-devolved matters. This means that some of the VAWDASV legislation made at the UK Parliament impacts practice within Wales; the most recent notable example being the Domestic Abuse Act 2021[[18]](#endnote-18).

Other relevant legislation includes the Human Rights Act (1988)[[19]](#endnote-19) and the Equality Act (2010)[[20]](#endnote-20).

**Forms of Violence Against Older People**

Older people experience the same kinds of abuse as those within younger age groups, including physical and emotional abuse, sexual abuse, financial abuse, coercive control, and neglect[[21]](#endnote-21) [[22]](#endnote-22). Older people experience abuse within their own homes; within hospitals; and within care homes[[23]](#endnote-23). Abuse may therefore be perpetrated by those with whom older people have a personal relationship and by paid workers.

**Intersectionality**

The VAWDASV strategy recognises that certain groups of older people are at an increased risk of abuse because of, for example, socio-economic status or disability[[24]](#endnote-24). Research highlights the additional barriers to seeking help faced by some older people (such as those from Black, Asian and Minority Ethnic communities or LGBTQ+ communities)[[25]](#endnote-25).

The likelihood of men being abused, increases with age [[26]](#endnote-26). Older men can be especially reluctant to report abuse because of gendered norms around masculinity and self-reliance[[27]](#endnote-27).

Some parts of Wales are very rural. The difficulties of reporting abuse are increased for some older people living within close-knit rural communities where anonymity is difficult to achieve, social isolation is increased and where support services are geographically distant[[28]](#endnote-28).

**Data**

Each year in Wales, significant numbers of older people are subjected to abuse and neglect[[29]](#endnote-29) [[30]](#endnote-30) [[31]](#endnote-31). It is difficult to determine the prevalence of this abuse, partly because many older people do not report their experiences of abuse or neglect[[32]](#endnote-32) and partly because of the inadequacy of data collection systems.

Current data gathering mechanisms do not always disaggregate statistics by age and the small amounts of available research data can present an incomplete picture. Until 2023, the Crime Survey for England and Wales was not inclusive of the experiences of those over the age of 74, making it impossible to determine accurate prevalence rates. This upper age-limit has now been removed, following calls from the OPCW and others.[[33]](#endnote-33).

The Welsh Government publishes statistics on the abuse of older people, across 22 Local Authorities[[34]](#endnote-34) The NISB is undertaking work to improve data gathering mechanisms across Local Authorities, and to ensure robust systems for the evaluation of safeguarding practice[[35]](#endnote-35).

**Access to Justice**

Criminal convictions are rarely brought against those who perpetrate abuse against older people[[36]](#endnote-36) [[37]](#endnote-37) [[38]](#endnote-38).

There are several possible reasons for older people’s low levels of access to criminal justice. These include delays in the criminal justice system, a lack of confidence on the part of practitioners in discussing criminal justice options, and a failure to implement special measures[[39]](#endnote-39) [[40]](#endnote-40) [[41]](#endnote-41).

Many practitioners are believed to adopt a ‘welfarist approach’ to working with older people experiencing abuse; they assume that older people would not want to engage with criminal justice services[[42]](#endnote-42) [[43]](#endnote-43). Domestic abuse risk assessment tools are rarely used when working with such older people; instead, they are routinely diverted into safeguarding services for support[[44]](#endnote-44).

**Information Provision**

The OPCW established a national Action Group in 2020 to work to stop the abuse of older people in Wales [[45]](#endnote-45). One of its priorities is to increase awareness of the abuse of older people. Information and materials have been produced and distributed, to ensure that older people not online can access printed information [[46]](#endnote-46) [[47]](#endnote-47).

**Service Provision and Good Practice Examples**

In 2021, the Commissioner commissioned research to map the breadth and quality of VAWDASV services throughout Wales[[48]](#endnote-48). Whilst there are a broad range of services available, they are rarely accessed by older people. Some services marginalise older people in their advertising and publicity campaigns; many do not consider how they might need to adapt to meet the specific needs of older people.

The research drew upon examples of good practice and highlighted the effectiveness of organisations such as ‘Dewis Choice’ and ‘The Owls Project’ (West Wales Domestic Abuse Service). These organisations shared common approaches to working with older people experiencing abuse: interventions were person-centred, relationship-focused and allowed individuals to generate their own solutions to their situations.

From this research, the OPCW has established a ‘services directory’ of the support that is available to older people [[49]](#endnote-49).

**The Older People’s Commissioner for Wales**

The Older People’s Commissioner for Wales is an independent voice and champion for older people throughout Wales.

The Commissioner is taking action to protect older people’s rights, end ageism and age discrimination, stop the abuse of older people and enable everyone to age well.

**The Commissioner is working for a Wales where older people are valued, rights are upheld and no-one is left behind.**

**How to contact the Commissioner:**

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Cambrian Buildings  
Mount Stuart Square  
Cardiff  
CF10 5FL

Phone: 03442 640 670

Email: [ask@olderpeople.wales](mailto:ask@olderpeople.wales)

Website: [www.olderpeople.wales](http://www.olderpeoplewales.com)

Twitter: [@talkolderpeople](http://www.twitter.com/talkolderpeople)

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