



Positive steps to tackle elder abuse together

Frequently asked questions

This paper complements **Age Cymru's** Rule Out Abuse charter, and answers questions about the campaign and its aims.

Is a new law needed?

Age Cymru believe that a law which clearly explains how any organisation and its staff responsible for the care and wellbeing of vulnerable people is a very important part of protecting and supporting adults at risk of abuse. At present no such law exists. A robust legal framework is a crucial part of a wider toolkit which can provide greater protection and support to adults at risk of abuse, including renewed guidance, training, increased public awareness and access to advocacy services.

Don't we already have laws to protect adults at risk of abuse?

There are various pieces of legislation which can be used to protect adults at risk of abuse, however the powers lie within many different pieces of law and we believe they do not go far enough. There are many statutes that practitioners and service users have to navigate, to try and understand what should or can be done in any particular case. A clear, robust legal framework for Wales will ensure that all agencies who support and protect vulnerable adults will clearly understand their duties and powers. We must also ensure that the law is disseminated in such a way as to be clear to people who care and are cared for, so that people are aware of their rights.

Don't we protect adults at risk of abuse already?

Age Cymru has been privileged to work with many staff and experts working in adult protection over the past 5 years, as part of the work of our Elder Abuse project. Many of our recommendations in the Rule Out Abuse charter have been identified and developed in partnership with those people working in adult protection. Whilst there is evidence of excellent work to protect and support, there is also evidence that practice can be improved in other areas. Research indicates that Wales has a prevalence rate of elder abuse of 6% (*UK Study of Abuse and Neglect of Older People - Prevalence Survey Report, June 2007*). Based on population estimates, we believe this equates to 39,000 older people in Wales who are being abused in their own home. When we compare this with the total number of adult abuse referrals received in 2009-2010, just 4,913, we can see clearly, we need to do more.

Will a new law encourage people to report abuse?

One of the key calls in the Rule Out Abuse charter is for a legal duty on defined staff and professionals, including health and social care workers, which compels them to report concerns of abuse to the relevant authorities. As part of this duty there must be support for staff to raise concerns confidentially, with strong regard for staff safety and wellbeing. This combination of professional duty and organisational commitment to preventing abuse is essential if staff are to be empowered to act on their expertise and report concerns. We also call for the Welsh Government to deliver a Wales wide public awareness campaign to increase understanding of abuse in the Charter, as we consider communities can play a part in preventing, detecting and reporting abuse.

Who should be under a duty to report abuse?

We consider those individuals employed by agencies who have a clear role in supporting and protecting adults should be under a duty to report suspected abuse. This includes health and social care staff, housing staff and police.

How will this change people's attitudes to abuse?

This campaign aims to raise awareness of elder abuse, how to identify it and what can be done to prevent it from starting or continuing. Communities can play a part in preventing, detecting and reporting abuse and it is vital that we empower people in Wales to better protect themselves and others against abuse. A new law can raise the profile of elder abuse and make people more aware that it happens, but of course it will not prevent abuse happening altogether. A new law must be complemented by improved guidance, training, policy and public awareness if it is to make an effective contribution to tackling abuse.

Who do people turn to if they suspect someone is being abused?

If you suspect someone is being abused, and you do not feel they are able to protect themselves, you can report your concerns to your local authority social services. Your local social services department contact details can be found in the telephone directory or at your local library. If you believe **someone's life is in immediate danger, phone the police. If you would like further advice or information about elder abuse you can contact Age Cymru's free information and advice line on 0800 169 6565.**

What can be done to protect people now?

At present, there is Welsh Government guidance called 'In Safe Hands' and an All Wales Adult Protection Policy and Procedure which agencies in Wales use to protect adults from abuse. Social services receive referrals and are the lead agency in co-ordinating investigations. They do this through a process called the Protection of Vulnerable Adults, **sometimes called 'POVA'.** Sometimes other agencies will lead an investigation such as the police or the health trust. The 3 principles within the Rule Out Abuse charter advocate practice which balances protection from harm with respect for choices and dignity, and we consider that if these principles should be at the centre of all work to safeguard vulnerable adults.

How can we make sure adults at risk decide how to protect themselves?

Autonomy, being able to make decisions independently and decide what you want to do, is a fundamental right and is a core principle of the United Nations Principles for Older Persons (December 1991). Safeguarding and adult protection must be supportive processes which the adult in question is at the centre of, and which is guided by their needs and wishes. We must, however, also recognise that everyone also has the right not to be subjected to inhuman or degrading treatment. Law makers must strive to achieve an appropriate balance between these sometimes competing rights, and build in safeguards to protect people from harm, and to recognise autonomy **and people's right to** decide for themselves.

Scottish law includes other powers such as banning, removal or assessment orders. Should Wales be asking for something similar?

The Scottish law which protects vulnerable adults from abuse is called the Adult Support and Protection (Scotland) Act 2007. Age Cymru has identified that some of the central duties within the Scottish Act, including duties to investigate, cooperate and share information, would be invaluable tools for use by professionals in Wales. At this time, we do not consider there is sufficient evidence to suggest that the additional orders contained within Scottish law are a necessary part of effective adult protection to call for their replication into Welsh law. We will of course continue to monitor the use of such orders in Scotland closely.

How will a new law protect people in their own homes, hospitals and care homes?

The legislation we are proposing would apply to people living in the own homes, hospitals and care homes in the same ways. It would offer greater protection and support to anyone experiencing abuse by ensuring that suspicions of abuse are reported and investigated with the priority deserved by the necessary agencies.

What are Age Cymru doing to tackle elder abuse, apart from this campaign?

The Age Cymru Elder Abuse Project was established in July 2006 and is being delivered across the **whole of Wales. The overall aim of the Age Cymru Elder Abuse Project is 'To reduce the incidence of abuse and deal with it more effectively when it does occur'**. The project works closely with older people, advocacy services, local age Cymru partners, practitioners, health and social care staff, students, lawyers and staff in other organisations to develop policy and practice relating to this very important issue. Age Cymru also delivers a free Information and Advice helpline which offers information to people concerned about elder abuse.

Advocacy services are expensive to run, who will pay for it?

We consider that advocacy services are an essential part of ensuring that vulnerable adults voices are heard and their human rights upheld. **Advocates are trained to promote a person's right to be safe and to be kept informed, involved and empowered throughout these challenging processes. Advocacy plays an important part in building an individual's confidence and capacity for self-determination**, which are key to managing the risk of further abuse, and to promoting their overall health and wellbeing. We believe the Welsh Government must recognise the importance of

advocacy services in supporting people to be as independent and safe as possible, and this recognition should be reflected in budgetary priorities locally and nationally.

How will this new law prevent abuse happening?

A new law will not prevent abuse happening in the first place. However, a new law can foster cultural and practical change; as well as increasing awareness of what abuse is, and how to prevent it. Legislation is one of a range of tools that need to be engaged to protect adults from abuse, including renewed guidance, training, increased public awareness and access to advocacy services. The development of any new legislative framework must ensure that the individual at risk of harm is truly at the centre of any assessment, decision or action taken, so that these principles are embedded into wider practice.

How do we enforce the duties that are being suggested?

New statutory duties on agencies mean that those bodies will be held accountable in law if they do not uphold them. The force of the law should be such so that meaningful powers of sanction can be exercised by **the National Assembly for Wales**. **Such sanctions against bodies would also be** combined with existing professional codes of conduct and regulation for individual staff. The proposed new law would not prescribe new criminal offences against perpetrators of abuse and it is essential that, alongside the development of any new law, significant steps are taken to improving **older people's access to justice in cases of abuse.**