

A charter

Positive steps to tackle elder abuse together



Facing the facts about elder abuse

- Abuse takes many forms including: physical; financial; emotional; sexual and neglect.
- Wales has the highest prevalence of elder abuse in the UK with a rate of 6%, compared with 4.3% in Scotland, 3.9% in England and 3% in Northern Ireland.¹ Based on population estimates, we believe this equates to 39,000 older people in Wales who are being abused in their own home.
- This is likely to be just the tip of the iceberg, as this study did not take into account people in care homes, hospitals and those with dementia.
- Abuse can happen anywhere. It happens in people's homes, in care homes, hospitals, day centres and other residential settings and communities.
- 93% of adults in Wales believe we need a new law to protect older people from abuse, mistreatment and neglect.²
- 22% of people in Wales have reported coming across a situation where they judged that an older person may be suffering abuse, mistreatment or neglect.³
- Most adult abuse referrals involve people aged 65 and over and 69% of this group are women.⁴
- Elder abuse is a violation of human rights and a significant cause of injury, illness, lost productivity, isolation and despair.⁵
- Abuse is most often perpetrated by people who are trusted and have a relationship with the victim.

All case studies in this charter have been submitted to Age Cymru's Elder Abuse project which has been working to tackle elder abuse and develop advocacy in Wales since 2006.

Positive steps to tackle elder abuse together

We believe no adult should have to endure abuse. More can be done to protect adults at risk by increasing awareness and strengthening adult protection processes, so that tackling adult abuse is given the priority it deserves.

This charter outlines actions which will empower all of us to rule out abuse. These calls were identified through engagement with older people, professionals who work in adult protection, policy makers and other organisations as part of Age Cymru's Elder Abuse project.

You can show your belief that we can rule out abuse by signing the charter.

You can sign the charter in two ways:

- sign and return the slip enclosed
- sign up online at www.agecymru.org.uk/ruleoutabuse

To find out more about how you can support the **Rule Out Abuse campaign, please contact:**
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Rule Out Abuse: a charter

Despite estimates that around 39,000 older people in Wales are experiencing abuse in their own homes, the total number of adult abuse referrals received in 2009-2010 was just 4,913.⁶

This disparity between the prevalence of abuse and reporting rates is a significant concern. As a result we believe that many adults are not being protected by current adult protection procedures, and are at continuing risk of harm. The number of completed referrals of adult abuse in Wales increased by 9% in 2009-2010, compared to a rise of 4% the previous year.⁷ This may demonstrate increased awareness and willingness to report suspected abuse, and is a testament to the efforts of many individuals, professionals and organisations. However, there is more that we can do.

We believe no adult should have to endure abuse, and together we can rule it out. More can be done to protect adults at risk by increasing awareness and strengthening adult protection processes. There is currently no clear statutory duty on local authorities to investigate cases of abuse or potential abuse. Clearer duties and entitlements would ensure adult protection is given the priority it deserves and is undertaken on a statutory basis.

We believe legislation is an essential component of safeguarding adults: it has the capacity to set statutory duties and powers so adult protection is undertaken effectively by all key agencies. Legislation is one of a range of tools that need to be engaged to protect adults from abuse, including renewed policy, training, increased public awareness and access to advocacy services, and strengthened guidance. We have produced a detailed evidence document to support our calls, which is available from www.agecymru.org.uk/ruleoutabuse

We believe the newly increased law-making powers of the National Assembly for Wales and the forthcoming Social Services (Wales) Bill provides the Welsh Government with a vital opportunity to strengthen adult protection procedures through robust duties and guidance for those organisations who will encounter adults at risk of abuse.

This charter is founded upon three key principles:

- **prioritise safety**
- **protect from harm and respect choices**
- **promote the right to dignity and respect.**

We call on the Welsh Government to endorse this charter and take decisive action to implement a robust legal framework, which ensures every adult in Wales is protected from abuse and their human rights upheld.

Principle 1: Prioritise safety

We believe that the Welsh Government should legislate and strengthen guidance to ensure that all agencies commit to tackle adult abuse as a priority. 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.

To make adult protection a priority the Welsh Government should introduce:

A duty to investigate concerns of abuse

A duty to investigate suspected abuse would ensure a timely and consistent approach to investigation and risk assessment across Wales, so that adults who have been abused are protected and all appropriate measures are implemented effectively.

A duty on agencies to share information

Information must be shared by agencies at the earliest opportunity so that an inquiry or subsequent investigation has a full account of an individual's need and circumstances, as well as suspected, actual, current or historical abuse.

A duty to cooperate in investigations

A duty on agencies, including local authorities, health, police, and housing, to cooperate would ensure that each agency brings their specific expertise to adult protection procedures. This duty would ensure that staff with the most appropriate skills and powers would be required to make enquiries, support investigations and diminish the risk of potential abuse.

A duty to report concerns of potential abuse

Defined staff and professionals, including health and social care workers, should be under a duty to safeguard vulnerable adults, which includes reporting abuse to the relevant authorities. A duty to report would give staff greater confidence that suspected abuse would be addressed.

Mrs Z was assaulted by her son and daughter. She was violently shaken and thrown to the floor which caused extensive bruising to her body. When police arrived her son told them to ignore whatever his mother said because she was “senile”. After liaising with other services and gathering sufficient evidence, including medical reports, Mrs Z’s son and daughter were arrested and charged with causing actual bodily harm (ABH). Mrs Z then received support from an independent advocate who supported Mrs Z through adult protection processes and to liaise with police, her solicitors and other professionals. Joint-working, cooperation and sharing information were essential in protecting Mrs Z from further abuse.

Principle 2: protect from harm and respect choices

The voice of the individual at risk must be central to all adult protection work: their views and wishes should guide how decisions are made and actions to manage risk are delivered. Empowering individuals to recognise risk and support themselves must be a core value of adult protection.

To achieve balance between protection and choice the Welsh Government should:

Introduce a duty to provide independent advocacy support where required

Advocacy is invaluable to ensure human rights are upheld. People are particularly vulnerable when they are being abused and often have no one to listen to their fears, to support them to make informed choices and navigate through the complexities of an adult protection investigation. Local authorities must ensure alleged victims are offered support from an independent advocate at the earliest opportunity to ensure they are at the centre of decisions about their life.

Empower adults at risk of abuse

People at risk of abuse should be at the centre of any decisions made about how best to manage that risk. For those who retain capacity to make informed decisions about how to keep themselves safe from harm, every effort should be made to include them meaningfully in protection processes and ensure that decisions reached are based on informed consent.

Review and update the definition of a vulnerable adult

The current definition⁸ limits adult protection procedures to those who are or may be in need of community care services and are unable to protect themselves from significant harm or exploitation. Vulnerability should not be defined by needing or receiving services: it is situation specific and not necessarily a permanent state, given appropriate support. Abuse can make someone extremely vulnerable regardless of whether they need services, and those people have as much right to be protected from abuse and have their human rights upheld as anyone else.

Mrs M had two 'falls' and was hospitalised on both occasions. Whilst she was in hospital her husband took full control of her finances and refused her access to them. She was also not allowed to make her own choices. When she returned home she reported this, and the fact she was being physically and sexually abused to a neighbour, who then reported it to a warden. When the husband became aware of her claims, the warden witnessed him hit Mrs M. A referral was made to social services and a social worker initiated an investigation. This was concluded when Mrs M's doctor said he had seen no evidence of abuse. Advocacy support was never offered.

Principle 3: promote our right to dignity and respect

The Human Rights Act 1998 makes it unlawful for a public body to act in a way that is incompatible with the rights expressed in the European Convention of Human Rights, which include: the right to respect for private life; the right not to be treated in an inhuman or degrading way; the right to life. Adult protection legislation should reflect these values and fundamental freedoms, and be based on principles of fairness, respect, equality and dignity.

To promote older people's right to dignity and respect the Welsh Government should:

Protect adults who self-fund care

Those who fund their own care or manage their own care delivery should receive the same protection from abuse as those who receive state funded support. Local authorities should offer regular reviews of those who self-fund their care so that their needs and safety can be monitored.

Promote human rights and autonomy

Protection should be proportional to happiness and wellbeing. Protection from harm should not come at the expense of other qualities of life, such as self-determination, dignity and the right to family life. All decisions in adult protection procedures must be reached with the individual at the centre of them. "What good is it making someone safer if it merely makes them miserable? None at all!"⁹

Deliver a Wales wide public awareness campaign to increase understanding of abuse

There should be a national campaign to raise awareness about adult 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.

Mr. D was admitted to a residential home for an initial period of 2 weeks because he had short term health problems. Three and a half years later no arrangements were put in place to allow Mr. D to return home, despite continuous requests to social services and the care home manager. Mr. D felt that he had been forgotten about, nobody cared about his wishes and he was a prisoner with no means of escape. He had mobility problems but was able to manage independently with appropriate levels of support and equipment. He was referred to a local advocacy service and the advocate supported Mr. D to request that a social worker be appointed urgently to facilitate discharge home. Regrettably Mr. D died before a social worker was appointed.

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- ¹ Department of Health, UK Study of Abuse and Neglect of Older People – Prevalence Survey Report, June 2007, p73
- ² ICM opinion poll for Age Concern Cymru and Help the Aged in Wales , February 2009. Sample: 1330 Welsh adults aged 18+
- ³ Ibid
- ⁴ Care and Social Services Inspectorate Wales, Protection of Vulnerable Adults Monitoring Report 2009 – 2010, May 2011, p11
- ⁵ World Health Organization, Active Ageing, A Policy Framework, 2002, p29
- ⁶ Care and Social Services Inspectorate Wales, Protection of Vulnerable Adults Monitoring Report 2009 – 2010, May 2011, p7.
- ⁷ Ibid
- ⁸ Welsh Assembly Government, In Safe Hands – Implementing Adult Protection Procedures in Wales, July 2000, p52
- ⁹ At what point is safeguarding abuse? An address by Lord Justice Munby to the Action on Elder Abuse Conference: The Role of Lawyers in Safeguarding Adults”, 19 January 2011

If you would like to support our vital work and make a difference to the lives of older people in Wales please contact the fundraising team at Age Cymru on **029 2043 1555** or donate at **www.agecymru.org.uk/donate**



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