

**Public Policy Statement**  
**Safeguarding older people**  
**June 2017**

**Summary**

All older people in Wales have the right to a life free from abuse. There are ‘few more basic human rights than that of being protected from violence or exploitation’.<sup>1</sup> Older people must not be placed at risk of abuse or neglect. Agencies must work together to safeguard individuals, to uphold an individual’s fundamental right to be safe, to minimise vulnerability, and to support those who have experienced abuse or neglect.

Legislation is an essential component of safeguarding adults; it has the capacity to set statutory duties and powers so that adult protection is undertaken effectively by all key agencies. Other tools to protect adults from abuse include renewed policy, increased public awareness, training, and access to advocacy services.

The Social Services and Well-being (Wales) Act 2014 came into force in April 2016. The Act puts adult safeguarding on a statutory footing and forms a legal framework for adult protection in Wales. The Welsh Government has developed the Codes of Practice and Regulations that shape the implementation of the Act by completing the framework within which social services operate. These include Statutory Guidance in relation to Safeguarding and a Code of Practice on Advocacy. The Act has also established new structures for Safeguarding Boards.

The abuse of older people is largely a ‘hidden problem’. We believe that there is the need to undertake a new research study on the prevalence of the abuse of older people in Wales.

Training on safeguarding adults must be mandatory for all staff involved in the care and support of older people, and human rights must be mainstreamed into the development of policy and practice in the care and support of older people.

Independent advocacy can help to redress the power imbalance that occurs in abuse situations and can enable the person to take back some control. In order to deliver ‘voice and control’, in line with the stated intention of the Social Services and Well-being (Wales) Act 2014, access to independent advocacy support is crucial – especially for adults at risk of abuse, and those who are subject to a safeguarding investigation. The Welsh Government and local authorities should work with

---

<sup>1</sup> Welsh Government (2010) The Right to be Safe.

voluntary service providers to raise awareness of advocacy services among older people and the professionals who work with them.

Older people are often targeted by financial scams. We believe that there should be improved measures to protect older people from rogue traders and doorstep scams through increasing the number of No Cold Calling Zones across Wales. The UK Government should also place a duty on service providers to reduce the volume of scams through postal, telephone and internet networks.

We believe that the Welsh Government must ensure that equal weight is given to the prevention of abuse in Wales, and support the development of innovative programmes of preventative work.

### **Summary of public policy proposals**

- Future UK human rights legislation must protect the rights and freedoms in the European Convention on Human Rights, must not undermine the effectiveness or scope of the Human Rights Act or the potential for enforcing it, and must reflect the particular circumstances of Wales.
- The recommendations of the Flynn report (the independent review commissioned by the Welsh Government into the neglect of older care home residents) must be implemented.
- The Welsh Government should fund a new research study on the prevalence of the abuse of older people in Wales.
- All agencies involved in the care and support of older people must adopt a consistent approach to safeguarding. Training on safeguarding adults must be mandatory for all staff involved in the care and support of older people.
- Human rights must be mainstreamed into the development of policy and practice by all agencies involved in the care and support of older people.
- The Welsh Government must ensure that its commitment to independent advocacy support for adults at risk of abuse is fully implemented and monitored through the Code of Practice on Advocacy under Part 10 of the Social Services and Well-being (Wales) Act 2014.
- The Welsh Government and local authorities should work together with voluntary service providers to raise awareness and understanding of the existence, purpose and benefits of advocacy among both older people and the professionals who work with them.
- All older people who have been the victim of abuse, regardless of whether they meet the criteria of an adult at risk, should be offered the services of an advocate by local authorities.
- The Welsh Government should provide pump-priming for advocacy services.
- When commissioning advocacy services, it is important that local authorities recognise that care homes are one of the places in which advocates will work, which would also promote the preventative agenda of the Social Services and Well-being (Wales) Act 2014.
- Staff involved in the delivery of information and advice services should receive training relevant to the development and delivery of age-appropriate services, including safeguarding.

- Improved inter-agency working is required between adult protection and domestic abuse services so that older people receive appropriate support and interventions as early as possible.
- The UK Government to provide greater protection for older people targeted by scams by placing a duty on postal, telephone and internet providers to reduce the volume of scams in their networks.
- The Welsh Government to simplify the current legislation and guidance relating to the creation of No Cold Calling Zones in order to make the process easier for local communities and statutory agencies and to extend the protection afforded to older people.
- The Welsh Government and local authorities in Wales need to consider increasing the number of 'No Cold Calling Zones' and make them legally enforceable, to protect older people from rogue traders and doorstep scams.
- Police and Crime Commissioners to work together to achieve national roll out of the 'Your Home, Your Right to Say No campaign'.
- The Welsh Government must ensure that equal weight is given to the prevention of abuse in Wales, and support the development of innovative programmes of preventative work to ensure this happens.

## Safeguarding older people

This policy statement covers:

- Legislation and policy
- Abuse of older people
- Safeguarding
- Advocacy
- Access to justice
- Hate crime
- Financial abuse.

Age discrimination and human rights are covered in more detail in Age Cymru's public policy position on 'Discrimination and Human Rights'.<sup>2</sup> Advocacy is covered in more detail in Age Cymru's public policy position on 'Information, advice and advocacy'.<sup>3</sup>

## Legislation and policy

The Social Services and Well-being (Wales) Act 2014<sup>4</sup> puts adult safeguarding on a statutory footing and forms a legal framework for adult protection in Wales (see Safeguarding, below). The Act came into force in April 2016. The Welsh Government has developed the Codes of Practice and Regulations that shape the implementation of the Act by completing the framework within which social services operate. These include Statutory Guidance in relation to Safeguarding and a Code of Practice on Advocacy. The Statutory Guidance in relation to Safeguarding states 'Section 7 of the Act places duties on persons exercising functions under the Act to have due regard to the United Nations Principles for Older Persons [...]'.<sup>5</sup>

The Act includes a duty to report for local authorities and their relevant partners where they suspect that people may be at risk of abuse or neglect. This is supported by a duty on local authorities to enquire where it is suspected that an adult with care and support needs is at risk of abuse and neglect. These duties are supplemented by a power to apply to the courts for an Adult Protection and Support Order (APSO). The Order will enable an authorised officer to secure entry to premises in order to speak in private with the adult suspected of being at risk to determine whether they are making decisions freely, whether they are at risk, and if any action is required.<sup>6,7</sup>

---

<sup>2</sup> Age Cymru (2016) Discrimination and Human Rights. Public Policy Position. August 2016.

<http://www.ageuk.org.uk/cymru/policy/age-cymru-policy-1-/public-policy-statements-1/>

<sup>3</sup> Age Cymru (2015) Information, advice and advocacy. Public Policy Position. March 2015.

<sup>4</sup> Social Services and Well-being (Wales) Act 2014.

[http://www.legislation.gov.uk/anaw/2014/4/pdfs/anaw\\_20140004\\_en.pdf](http://www.legislation.gov.uk/anaw/2014/4/pdfs/anaw_20140004_en.pdf)

<sup>5</sup> Welsh Government Statutory guidance in relation to Part 7 (Safeguarding) of the Social Services and Well-being (Wales) Act 2014.

<sup>6</sup> Welsh Government (2017) Information and guidance on domestic abuse: Safeguarding older people in Wales.

<sup>7</sup> Age Cymru (2017) Safeguarding older people in Wales from abuse and neglect. Factsheet 78w. February 2017.

The Act establishes Regional Safeguarding Adults Boards to ensure that national policies and procedures are monitored and remain fit for purpose.<sup>8</sup> It also establishes The National Independent Safeguarding Board, which provides support and advice to the Regional Safeguarding Boards and makes recommendations to Welsh Ministers as to how safeguarding arrangements could be improved.<sup>9</sup>

The Act's Part 10 Code of Practice (Advocacy) places statutory duties upon local authorities with regard to the provision of advocacy. Local authorities must have regard to the need to protect adults from abuse and neglect, and in partnership with the individual, must reach a conclusion on arrangements to appoint an independent professional advocate to support and represent an individual who is the subject of a safeguarding enquiry.<sup>10</sup>

The Welsh Government's Regulation and Inspection of Social Care (Wales) Act 2016 received Royal Assent in January 2016.<sup>11</sup> The Act establishes a regulatory regime which is consistent with the changes that are being delivered by the Social Services and Well-being (Wales) Act 2014; contributes to more effective public services by creating a regulatory regime which enables and empowers both citizens and service professionals; and provides a robust and meaningful response to the clear lessons which have been learnt from the exposure of failures in the system - most recently the Flynn Review<sup>12</sup> [a review of the neglect of older people living in care homes investigated as Operation Jasmine<sup>13</sup>].

The Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 aims to improve the public sector response to violence against women, domestic abuse and sexual violence. It intends to give public authorities (such as councils and health boards) a strategic focus on the issue, and to ensure the consistent provision of preventative, protective and supportive services.<sup>14</sup>

The Human Rights Act (HRA) provides a framework from which to tackle abuse. Article 3 of the European Convention on Human Rights (ECHR) states that people have a right to be free from torture, inhumane or degrading treatment and is therefore directly relevant in abuse cases. The UK's withdrawal from the EU will not automatically affect the UK's status as a signatory to the ECHR. The ECHR is an international treaty distinct from the EU Treaties and EU Charter on Fundamental Rights. Age Cymru's position is that any future human rights legislation must protect the rights and freedoms in the ECHR, must not undermine the effectiveness or

---

<sup>8</sup> Social Services and Well-being (Wales) Act 2014: Working Together to Safeguard People: Volume 1 – Introduction and Overview, Welsh Government, 2016

<sup>9</sup> Ibid.

<sup>10</sup> Social Services and Well-being (Wales) Act 2014: Working Together to Safeguard People: Volume 4 – Adult Protection and Support Orders, Welsh Government, 2016

<sup>11</sup> Welsh Government (updated 19 January 2017) Regulation and Inspection of Social Care (Wales) Act. <http://gov.wales/topics/health/socialcare/regulation/?lang=en>

<sup>12</sup> Ibid.

<sup>13</sup> Welsh Government (updated 15 March 2016) The Flynn report – In search of accountability. <http://gov.wales/topics/health/publications/socialcare/reports/accountability/?lang=en>

<sup>14</sup> National Assembly for Wales Research Service (2017) In Brief. Is the Violence against Women (Wales) Act 2015 working? 10 February 2017. <https://assemblyinbrief.wordpress.com/2017/02/10/is-the-violence-against-women-wales-act-2015-working/>

scope of the HRA or the potential for enforcing it, and must reflect the particular circumstances of Wales.<sup>15</sup>

The Welsh Government, working in partnership with the Older People's Commissioner for Wales, has developed 'Information and guidance on domestic abuse: Safeguarding older people in Wales'. The Guidance offers practical advice to professionals, and aims to improve recognition and understanding of domestic abuse experienced by older people.<sup>16,17</sup>

The third phase of the Welsh Government's Strategy for Older People in Wales<sup>18</sup> seeks to achieve the outcome that 'older people are not subjected to abuse' and that 'elder abuse is prevented and older people at risk of abuse are safeguarded and protected'. The Strategy identifies that safeguarding provisions in the Social Services and Well-being (Wales) Act 2014 and the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act will help to achieve these outcomes.

An initiative arising from the Welsh Government's 'The Right to be Safe Strategy'<sup>19</sup> was the 'Access to Justice Pilot'<sup>20</sup> which focused on the support needs of older victims of abuse. A principal objective of the pilot was to enable older, vulnerable victims of domestic abuse to access criminal or civil justice processes in seeking protection from further abuse. The objective was founded on the need to ensure that the human rights of older people are protected.

In 2014 the Welsh Government launched the 'Tackling Hate Crimes and Incidents: A Framework for Action'<sup>21</sup> which includes age as an additional protected characteristic. The Framework states that hate crimes against older people is an area which requires greater exploration across Wales. The Welsh Government's Framework focuses on three strategic objectives to support delivery and prevention: to tackle prejudice and ingrained stereotypes; supporting victims to increase reporting and the provision of advice; and improving the multi-agency response to enhance better partnership working and to tackle perpetrators.<sup>22</sup>

The Welsh Government's Strategic Equality Plan and Equality Objectives (2016-2020)<sup>23</sup> includes the objective 'Reduce the incidence of all forms of harassment and abuse, including (but not limited to) violence against women, hate crime, bullying, child abuse, domestic abuse, and abuse of older people'. The rationale for the

---

<sup>15</sup> Age Cymru (2017) Age Cymru's response to the consultation by the National Assembly for Wales' Equality, Local Government and Communities Committee's Inquiry into Human Rights in Wales.

<sup>16</sup> Welsh Government (2017) Information and guidance on domestic abuse: Safeguarding older people in Wales.

<sup>17</sup> Welsh Government (2017) Information and Guidance on Domestic Abuse: Safeguarding Older People in Wales. <http://gov.wales/topics/people-and-communities/safety/domesticabuse/publications/safeguarding-older-people-in-wales/?lang=en> 22 June 2017.

<sup>18</sup> Welsh Government (2013) The Strategy for Older People in Wales 2013-2023.

<sup>19</sup> Welsh Government 'The Right to be Safe Strategy'

<sup>20</sup> Welsh Government (2012) An Evaluation of the 'Access to Justice' Pilot Project.

<sup>21</sup> Welsh Government (2014) Tackling Hate Crimes and Incidents: A Framework for Action

<sup>22</sup> Welsh Government (2014) Written Statement – Tackling Hate Crimes and Incidents: A Framework for Action. 12 May 2014.

<sup>23</sup> Welsh Government (2016) Strategic Equality Plan and Equality Objectives 2016-2020. Working Towards a Fairer Wales. November 2016.

objective is ‘No-one should have to live their lives in fear of violence, abuse or victimisation [...]’, and includes an action in relation to the abuse of older people which references the implementation of the Social Services and Well-being (Wales) Act 2014 – specifically in relation to Part 7 Safeguarding.

The Equality and Human Rights Commission’s ‘Is Wales Fairer?’ report<sup>24</sup> has set a number of key challenges that need to be addressed in Wales, including:

- ‘Prevent abuse, neglect and ill-treatment in care and detention: prevent abuse, neglect and ill-treatment of children and older people in hospitals and care homes [...].’
- ‘Eliminate violence, abuse and harassment in the community: eliminate the incidence of violence, abuse and harassment particularly against women, disabled people, ethnic minority people, Muslim people and lesbian, gay, bisexual and transgender people’.

The Declaration of Rights for Older People in Wales aims to clarify the rights of older people as already underpinned by existing equality and human rights legislation, although it has no binding legal effect.<sup>25</sup> We welcome developments in January 2016 whereby the Older People’s Commissioner for Wales secured cross-party support for legislation to be introduced by the Welsh Government that will protect and promote the rights of older people and embed a rights-based approach across our public services in Wales.<sup>26</sup>

### **Public policy proposal**

- Future UK human rights legislation must protect the rights and freedoms in the European Convention on Human Rights, must not undermine the effectiveness or scope of the Human Rights Act or the potential for enforcing it, and must reflect the particular circumstances of Wales.

### **Abuse of older people**

It is important that the different forms of abuse are recognised and addressed. Abuse can take a number of different forms (see Appendix for the definitions of the different forms of abuse) including:<sup>27</sup>

- Physical abuse
- Financial abuse
- Emotional /psychological abuse
- Sexual abuse
- Neglect and acts of omission.

---

<sup>24</sup> Equality and Human Rights Commission (2015) Is Wales Fairer? The state of equality and human rights 2015.

<sup>25</sup> Welsh Government (2014) Declaration of Rights for older people. <http://gov.wales/topics/health/publications/health/strategies/rights/?lang=en> 4 August 2014 (Accessed 17/01/17).

<sup>26</sup> Older People’s Commissioner for Wales. Work Programme 2016-2017.

<sup>27</sup> Age Cymru (2017) Safeguarding older people in Wales from abuse and neglect. Factsheet 78w. February 2017.

There are also additional types of abuse (see definitions in the Appendix) that may be a factor in relation to the abuse of older people, which have been identified by various organisations or sources of research:<sup>28</sup>

- Institutional abuse
- Discrimination and hate crime
- Abuse by a stranger and
- Domestic violence/abuse.

Institutional abuse (also referred to as 'organisational' abuse) is repeated instances of poor care, be it through neglect or poor professional practice resulting from inadequate policies, processes or structures within an organisation. It can occur in any setting where one or more service users receive a service, whether on a daily or residential basis – for example, a care home, a day services centre, a hospital ward or a person's own home.<sup>29</sup>

Age discrimination can underlie many of the problems and disadvantages faced by older people today. This includes the way older people are treated with lack of dignity and respect and how they are being abused and neglected by people in their own homes and in places where they should feel safe and cared for.

The underpinning principles of human rights include fairness, respect, equality and dignity but we are frequently aware of cases where these are restricted or disregarded and older people require support in order to uphold their rights.

A national prevalence survey of people aged 66 years or more published in 2007, found that 2.6% of people surveyed indicated abuse by a family member, close friend or care worker. Neglect was the most prevalent form of abuse, followed by financial abuse, and women were more likely to report an experience of abuse or neglect.<sup>30</sup>

The Access to Justice<sup>31</sup> pilot project undertaken in Swansea (during 2010 to 2012), focusing on the support needs of older victims of abuse, reported that of the 145 incidents of elder abuse reported to a range of agencies over a period of 14 months involving 131 victims, 95 were female and 36 were male. Ages of victims ranged from 55 to 91 years. Nearly one third of victims had a disability, and ten individuals were recorded as lacking mental capacity. A greater proportion of men (56%) than women (33%) experienced physical violence.

In July 2015 the Welsh Government published the independent review it commissioned into the neglect of older care home residents investigated as

---

<sup>28</sup> Ibid.

<sup>29</sup> Ibid.

<sup>30</sup> O' Keeffe, M. *et al.* (2007) UK Study of Abuse and Neglect of Older People. Prepared for Comic Relief and the Department of Health. <http://assets.comicrelief.com/cr09/docs/elderabuseprev.pdf>

<sup>31</sup> Welsh Government (2012) An Evaluation of the 'Access to Justice' Pilot Project.

Operation Jasmine.<sup>32</sup> Age Cymru welcomed the publication of this report and its recommendations.

The Protection of Vulnerable Adults (POVA) in Wales data for 2015-16<sup>33</sup> revealed that the reported number of completed referrals for adult protection increased by 11 per cent between 2014-15 and 2015-16, and 65 per cent of completed referrals were for people aged 65 and over.

Older people with dementia are at higher risk of abuse due to their impaired ability to seek help, advocate for themselves or remove themselves from potentially abusive situations.<sup>34</sup>

People with a protected characteristic can often find it more difficult to raise concerns about their care. This can be due to a cultural or language barrier, fears that they could become the victim of homophobic or transphobic abuse, or a sensory impairment that hinders communication. It is vital that professionals proactively identify ways to safeguard protected groups rather than reacting when abuse occurs.<sup>35</sup>

Older people from Black Minority Ethnic (BME) backgrounds may be particularly ashamed or embarrassed at experiencing abuse from their partners. Family honour may particularly influence an older BME person's decision not to seek support. Older people from BME backgrounds are sometimes less likely than younger people to speak or understand English, which can make disclosing abuse very difficult where specialist services are not available.<sup>36</sup>

LGB people tend to under-report forms of violence and abuse, and there is limited evidence available relating to older LGB people.<sup>37</sup> The document 'Information and guidance on domestic abuse: Safeguarding older people in Wales' developed by the Welsh Government working in partnership with the Older People's Commissioner for Wales draws attention to some of the additional barriers to reporting thought to be faced by LGB people and Trans people.<sup>38</sup>

If abuse is to be tackled effectively it is important to ensure that there is raised awareness of what abuse is and what can be done to stop or prevent it. The abuse of older people is largely a 'hidden problem'.<sup>39</sup> Given that the most recent study of

---

<sup>32</sup> Welsh Government (last updated 15 March 2016) The Flynn report – In search of accountability. <http://gov.wales/topics/health/publications/socialcare/reports/accountability/?lang=en>

<sup>33</sup> Welsh Government (2017) Protection of Vulnerable Adults in Wales, 2015-16. Statistical First Release. 22 February 2017 <http://gov.wales/docs/statistics/2017/170222-protection-vulnerable-adults-2015-16-en.pdf>

<sup>34</sup> Welsh Government (2017) Information and guidance on domestic abuse: Safeguarding older people in Wales.

<sup>35</sup> Age Cymru (2017) Consultation response to the Welsh Government's (2017) Consultation on 'Social Services and Well-being (Wales) Act 2014. Statutory guidance in relation to Part 7 of the Act, on Handling Individual Cases to Protect Adults at Risk.

<sup>36</sup> Welsh Government (2017) Information and guidance on domestic abuse: Safeguarding older people in Wales.

<sup>37</sup> Ibid.

<sup>38</sup> Ibid.

<sup>39</sup> Age UK (2016) Policy Position Paper. Safeguarding older people (England). March 2016.

the prevalence of abuse suffered by older people was published in 2007,<sup>40</sup> we believe that there is the need for a more up to date study in Wales.

There are many possible reasons why older people do not report abuse: stigma, shame, feeling guilty for 'having provoked' the abuse, dependency upon the abuser, isolation, and lack of contact with care providers or criminal justice agencies. It is also the case that the wide range of types of abuse – and the fact that different forms of abuse often occur simultaneously - also present a challenge to agencies to work in partnership to tackle abuse holistically.<sup>41</sup>

### **Public policy proposals**

- The recommendations of the Flynn report (the independent review commissioned by the Welsh Government into the neglect of older care home residents) must be implemented.
- The Welsh Government should fund a new research study on the prevalence of the abuse of older people in Wales.

### **Safeguarding**

The term 'safeguarding' means a range of activities aimed at upholding an individual's fundamental right to live in safety, free from abuse and neglect.<sup>42</sup>

The Social Services and Well-being (Wales) Act 2014 creates a new legal system for social services. The Act strengthens safeguarding arrangements for both children and adults in Wales. The introduction of the duty to report introduces provisions for relevant partners to report to the local authority when someone is suspected to be at risk of abuse or neglect (or in the case of children, other forms of harm).<sup>43</sup>

To support the Act, Statutory Guidance has been developed to help local authorities and their partners implement Part 7 (Safeguarding) of the Act.<sup>44</sup> The Welsh Government recently consulted on Volume 6 of the Working Together to Safeguard People statutory guidance. Volume 6: Handling Individual Cases to Protect Adults at Risk - provides advice on what should happen if an individual has concerns about the well-being or welfare of an adult at risk (including those living away from home); and in particular concerns that an adult is:

- experiencing or is at risk of abuse or neglect;
- has needs for care and support; and
- as a result of those needs is unable to protect themselves against the abuse or neglect or the risk of it.<sup>45</sup>

---

<sup>40</sup> O' Keeffe, M. *et al.* (2007) UK Study of Abuse and Neglect of Older People. Prepared for Comic Relief and the Department of Health.

<sup>41</sup> Age UK (2016) Safeguarding older people (England). Policy Position Paper.

<sup>42</sup> Age Cymru (2017) Safeguarding older people in Wales from abuse and neglect. Factsheet 78w. February 2017.

<sup>43</sup> Welsh Government (2017) Consultation Document. Social Services and Well-being (Wales) Act 2014. Statutory guidance in relation to Part 7 of the Act, on Handling Individual Cases to Protect Children and Adults at risk. 31 January 2017.

<sup>44</sup> *Ibid.*

<sup>45</sup> *Ibid.*

The consultation focused on the process to be followed in these circumstances. Practice procedures will be developed through the All-Wales Protection Procedures which will be developed separately by safeguarding practitioners.<sup>46</sup>

We believe that training in safeguarding adults for staff that support or provide care services to older people is important in raising awareness about the abuse of older people, how to recognise and prevent it, and the processes to instigate in cases of suspected abuse. All those involved in adult safeguarding should also have a sound understanding of the principles, and practical application of the Mental Capacity Act (2005). Training can also promote best practice and bring about a change in cultural and institutional attitudes towards older people so that they are treated with dignity and respect. Human rights must be mainstreamed into the development of policy and practice by all agencies involved in the care and support of older people. This will ensure that all older people have a right to be free from abuse and neglect and a mechanism for protecting people's rights.

### **Public policy proposals**

- All agencies involved in the care and support of older people must adopt a consistent approach to safeguarding. Training on safeguarding adults must be mandatory for all staff involved in the care and support of older people
- Human rights must be mainstreamed into the development of policy and practice by all agencies involved in the care and support of older people.

### **Advocacy**

Adults at risk of harm are amongst the most vulnerable people in our communities, and it must be ensured that they have a voice and are safeguarded from abuse. Independent advocacy can help to redress the power imbalance that occurs in abuse situations and can enable the person to take back some control.

The Social Services and Well-being (Wales) Act 2014 places statutory duties upon local authorities with regard to the provision of advocacy. The Act defines advocacy as a right for all individuals in Wales in certain circumstances including (but not exclusively) assessment, care planning, review and safeguarding.<sup>47</sup>

The dedicated Code of Practice on Advocacy under Part 10<sup>48</sup> of the Act sets out the functions in relation to which a local authority, in partnership with the individual, must reach a judgement on how advocacy could support the determination and delivery of an individual's personal outcomes, together with the circumstances when a local authority must arrange an independent professional advocate.<sup>49</sup> Where an

---

<sup>46</sup> Ibid.

<sup>47</sup> Age Cymru (2016) Advocacy Counts 5. Executive summary.

<http://www.ageuk.org.uk/cymru/policy/golden-thread-advocacy-programme/advocacy-counts/>

<sup>48</sup> Social Services and Well-being (Wales) Act 2014. Part 10 Code of Practice (Advocacy).

<sup>49</sup> Welsh Government (2017) Consultation. Social Services and Well-being (Wales) Act 2014. Statutory guidance in relation to Part 7 of the Act, on Handling Individual cases to Protect Adults at Risk.

individual is the subject of a safeguarding enquiry or an adult protection and support order, the local authority, in partnership with that individual, must consider and reach a conclusion on arrangements to appoint an independent professional advocate to support and represent them.<sup>50</sup>

The Code of Practice highlights that 'it is critical [...] that the individual is supported in what may feel like a daunting process [...]. An individual who is thought to have been abused or neglected may be so demoralised, frightened, embarrassed or upset that independent advocacy provided under the Act to enable them to express their views, wishes and feelings and participate fully will be crucial'.<sup>51</sup> We believe that all older people that have been the victim of abuse, regardless of whether they meet the criteria of an adult at risk, should be offered the services of an advocate by local authorities.

Some older people experience problems in accessing advocacy services. We believe the Welsh Government and local authorities should work together with voluntary service providers to raise awareness and understanding of the existence, purpose and benefits of advocacy among both older people and the professionals who work with them. The Age Cymru publication *Advocacy Counts 5*<sup>52</sup> provides a snapshot of advocacy provision in Wales for adults with a particular emphasis on older people. It suggests that the overall number of advocates has continued to rise but indicates cause for concern in some areas including a decline in specialist providers and gaps in geographical availability. Of particular concern is the fall in the number of specialist advocacy providers and advocates for older people.<sup>53</sup> We believe that the Welsh Government should provide pump-priming for advocacy services.

Accessing advocacy services can be a particular problem for residents in care homes. Advocacy can be a preventative service in itself and should be considered by local authorities as part of the range and level of services required to meet identified need.<sup>54</sup> When commissioning advocacy services, it is important that local authorities demonstrate a commitment to recognising that care homes are one of the places in which advocates will work, which would also promote the preventative agenda of the Act.

Age Cymru is committed to supporting the development of the independent advocacy sector in Wales. Age Cymru's Golden Thread Advocacy Programme (GTAP) has been funded by Welsh Government for 3 years (commenced April 2016) to run alongside and support the implementation of Part 10 (Advocacy) of the Social Services and Well-being (Wales) Act 2014. The aims of the GTAP are:<sup>55</sup>

- To support the commissioning of independent professional advocacy through a sustainable, strategic approach

---

<sup>50</sup> Welsh Government (2015) Social Services and Well-being (Wales) Act 2014. Part 10 Code of Practice (Advocacy).

<sup>51</sup> Ibid.

<sup>52</sup> Age Cymru (2016) *Advocacy Counts 5*. Executive summary.

<sup>53</sup> Ibid.

<sup>54</sup> Welsh Government (2015) Social Services and Well-being (Wales) Act 2014. Part 2 Code of Practice (General Functions). <http://gov.wales/docs/dhss/publications/151218part2en.pdf>

<sup>55</sup> Age Cymru. Golden Thread Advocacy Programme <http://www.ageuk.org.uk/cymru/policy/golden-thread-advocacy-programme/> Last accessed 27/04/17.

- To improve the availability of advocacy services to adults across Wales
- To improve the well-being of individuals through advocacy and to give them a stronger voice.

It is important that older people know who to contact and where to get information and advice in relation to situations of abuse / suspected abuse. This may be particularly relevant for those people who are not eligible for statutory advocacy services. Furthermore, if someone is unable to get out much due to an illness or disability and has become isolated, their isolation might make it difficult for them to recognise that what is happening to them is abusive. It might also make it difficult for them to know how to report it.<sup>56</sup>

We believe that staff involved in the delivery of information and advice services should receive training relevant to the development and delivery of age-appropriate services, including safeguarding.

Further information about advocacy, information and advice can be found in Age Cymru's public policy statement on 'Information, advice and advocacy'.<sup>57</sup>

### **Public policy proposals**

- The Welsh Government must ensure that its commitment to independent advocacy support for adults at risk of abuse is fully implemented and monitored through the Code of Practice on Advocacy under Part 10 of the Social Services and Well-being (Wales) Act 2014.
- The Welsh Government and local authorities should work together with voluntary service providers to raise awareness and understanding of the existence, purpose and benefits of advocacy among both older people and the professionals who work with them.
- All older people who have been the victim of abuse, regardless of whether they meet the criteria of an adult at risk, should be offered the services of an advocate by local authorities.
- The Welsh Government should provide pump-priming for advocacy services.
- When commissioning advocacy services, it is important that local authorities recognise that care homes are one of the places in which advocates will work, which would also promote the preventative agenda of the Social Services and Well-being (Wales) Act 2014.
- Staff involved in the delivery of information and advice services should receive training relevant to the development and delivery of age-appropriate services, including safeguarding.

### **Access to Justice**

---

<sup>56</sup> Age Cymru (2017) Safeguarding older people in Wales from abuse and neglect. Factsheet 78w. February 2017.

<sup>57</sup> Age Cymru (2015) Information, advice and advocacy. Public Policy Position. March 2015.

Failure to appropriately record and categorise an offence represents a significant barrier to older people's access to justice. Older people must have equal access to support and justice that is available to other adults.

A principal objective of the Access to Justice Pilot was to enable vulnerable victims of domestic abuse to access criminal or civil justice processes in seeking protection from further abuse. This objective was founded on the need to ensure that the human rights of older people are protected in the right to be safe. The Welsh Government noted that there are 'few more basic human rights than that of being protected from violence or exploitation'.<sup>58</sup>

The Pilot recommended that consideration should be given by the Welsh Government to how domestic abuse and elder abuse procedures, policies and guidance can be integrated more effectively.<sup>59</sup>

The term 'elder abuse' raises awareness of the fact that older people not only experience neglect but can also be the victims of physical, psychological, financial and sexual abuse. The Older People's Commissioner for Wales highlights, however, that the term 'elder abuse' can suggest that the abuse of older people is somehow different to the abuse of others: sometimes the abuse faced by older people is also a criminal offence but is identified as 'elder abuse' and referred to adult protection services instead of the police; if it is later reported to the police, vital evidence may have been destroyed.<sup>60</sup>

### **Public policy proposal**

- Improved inter-agency working is required between adult protection and domestic abuse services so that older people receive appropriate support and interventions as early as possible.

### **Hate crime and older people**

In 2014 the Welsh Government launched the 'Tackling Hate Crimes and Incidents: A Framework for Action'<sup>61</sup> which includes age as an additional protected characteristic. The Framework states that hate crimes against older people is an area which requires greater exploration across Wales. The Framework highlights that discrimination on the basis of age can have a big impact on older people's dignity, independence and wellbeing. The Framework also mentions, in the context of an ageing population, that the characterisation of older people as a burden carries potential community cohesion implications now and in the future and may impact on older people's experience of hate crime.

The All Wales Hate Crime Research in 2013<sup>62</sup> showed that 'age' was often highlighted by both younger and older victims as an intersectional factor that

---

<sup>58</sup> Welsh Government (2012) Access to Justice Pilot Project.

<sup>59</sup> Ibid.

<sup>60</sup> Older People's Commissioner for Wales. Abuse of, and crimes against, older people.

<sup>61</sup> Welsh Government (2014) Tackling Hate Crimes and Incidents: A Framework for Action.

<sup>62</sup> Race Equality First (2013) All Wales Hate Crime Research Project. Research Overview & Executive Summary.

contributed negatively to how a hate crime was experienced, rather than a dominating factor in their victimisation. It specified that age is clearly an aggravating factor and highlighted that both young and older people stated that age increased feelings of vulnerability during and after a hate crime is experienced.<sup>63</sup> The study further highlights that older age contributes negatively to how a hate crime is experienced, such as an increase in feelings of fear or vulnerability.

Diverse Cymru carried out a research project<sup>64,65</sup> into Crimes Against Older People (50+) on behalf of the Welsh Government. They reported that over 50% of survey respondents thought every type of crime, except threatening behaviour, were age-related. Scams, burglaries, neglect, anti-social behaviour and 'mate' crime as well as threats and verbal insults were most frequently thought to be crimes against older people. Barriers to reporting crimes against older people included: fear of reprisals or making a situation worse; not being believed, understood, listened to, or taken seriously; fear of unwelcome interventions, losing care, support or family; not knowing who to report to or how; feelings of guilt, embarrassment and shame; communication difficulties and mental capacity.<sup>66</sup> The report made recommendations to help tackle crimes against older people, as well as raising awareness of the issues and supporting people who have been affected by age-related crime.

The CPS records crime against older people. Their policy document 'Crimes against older people – CPS Prosecution Policy'<sup>67</sup> states 'Some crimes against the older person have a link to ageism as a prejudicial set of ideas'.

## Financial abuse

Financial abuse can include theft of small amounts of money as well as the theft of large sums and property. To help tackle these problems agencies must be vigilant and have appropriate training to be able to investigate suspected cases at the earliest possible opportunity. Advice and advocacy, including access to legal support, can also play a role in helping people to put appropriate Lasting Powers of Attorney (LPA) in place prior to any loss of capacity. LPAs are important and relevant legal documents that allow important 'Best Interest' decisions to be made on behalf of the donor in regards to their finances, health and welfare.<sup>68</sup>

Financial scams have been a particular concern in recent years. Scams target everyone; at least 150,000 people in Wales are believed to be victims of scams each

---

<sup>63</sup> Welsh Government (2014) Tackling Hate Crimes and Incidents: A Framework for Action. Hate Crime Framework p57.

<sup>64</sup> Diverse Cymru. Age of Justice. An executive summary of the Diverse Cymru research project into Crimes Against Older People (50+) carried out on behalf of the Welsh Government.

<sup>65</sup> Diverse Cymru (2016) Age of Justice. News release. 24 March 2016.

<https://www.diversewymru.org.uk/age-of-justice/>

<sup>66</sup> Ibid.

<sup>67</sup> Crown Prosecution Service (undated) Crimes against older people – CPS Prosecution Policy.

<sup>68</sup> Older People's Commissioner for Wales (2017) Consultation response to the Welsh Government's (2017) Consultation on Social Services and Well-being (Wales) Act 2014. Statutory guidance in relation to Part 7 of the Act, on handling Individual Cases to Protect Adults at Risk.

[http://www.olderpeoplewales.com/Libraries/Consultation\\_Responses\\_2017/Consultation\\_response\\_on\\_WG\\_Statutory\\_Guidance\\_in\\_relation\\_to\\_part\\_7\\_of\\_the\\_Act.sflb.ashx](http://www.olderpeoplewales.com/Libraries/Consultation_Responses_2017/Consultation_response_on_WG_Statutory_Guidance_in_relation_to_part_7_of_the_Act.sflb.ashx)

year. In general older people suffer twice the detriment that younger people do and it is estimated that older victims lose on average £1200 each.<sup>69</sup>

Over 166,000 concerns around nuisance calls were reported to the Information Commissioners Office in Wales during 2016/17, which resulted in fines of just under £2,000,000.

Many scammers use telephony companies, internet service providers and postal services such as the Royal Mail almost unhindered meaning that these networks, whether inadvertently or not, are facilitating scams and, in some cases, profiting from them. Age Cymru believes that these networks should take responsibility and devise new ways to protect unwitting victims from being scammed.

### **No Cold Calling Zones**

No Cold Calling Zones are areas designated as places where unsolicited cold callers, such as traders and sales people, are prevented from knocking on residents' doors. They can be set up after consultation between local authority trading standards officers and residents after they have experienced problems with cold callers and complained to the council. They currently require consultation with virtually every household and a 75% vote in favour by residents. The current process for establishing zones is extremely resource intensive in terms of officer time.

Consultation with trading standards officers suggests that not only do the zones reduce the number of complaints about unwanted cold callers but they substantially increase resident confidence in dealing with cold callers. When all the residents in a zone are aware that they are covered they are more inclined to act collectively and are likely to watch out for each other.

The zones currently in existence are not legally enforceable. Traders who cold call in these zones are not committing an offence. An offence is only committed if a cold caller persists in trying to sell goods or services after they have been asked to leave - this is regarded as harassment. As a result, there is ambiguity about who is responsible for upholding the zones. Currently, responsibility appears to rest with trading standards. They investigate shoddy or incomplete work or excessive charging and can prosecute offenders. In some areas there is an agreement that police will attend incidents if trading standards are unable to do so. Age Cymru believes there should be a change in the law which would give the zones legal enforceability so that flouting them is potentially a criminal offence.

Age Cymru believes that Welsh Government should streamline the process that local authorities must follow, and the guidance available as to what constitutes a No Cold Calling Zone, when creating them. We believe from discussions with Trading Standards, the Police and local authorities that a major barrier to the establishment of more zones is that they are currently too time-consuming and costly to set up.

In order to protect people who are not currently living in no cold calling zones, Age Cymru has worked with South Wales Police on the 'Your Home Your Right to Say

---

<sup>69</sup> WASP Wales Against Scams Partnership (2016) Charter Against Scams.  
<http://www.ageuk.org.uk/cymru/policy/age-cymru-policy-networks-1/wales-against-scams-partnership-wasp/>

No<sup>70</sup> campaign. South Wales Police has worked with partners to distribute a booklet and sticker to all homes in the South Wales area detailing information on people's right in relation to nuisance callers. Their research showed that 93% of people did not want uninvited doorstep traders calling.<sup>71</sup>

The Wales Against Scams Partnership (WASP)<sup>72</sup> is a partnership of organisations (including Age Cymru) committed to keeping Wales safe from scams, and has developed a 'Charter Against Scams'<sup>73</sup> to help better protect people in Wales from scams and fraud, and to support victims.

We believe that a preventative approach to scams is essential to educate people about the types of scams that target people and stop them from becoming chronic scam victims. We deem that the Welsh Government must ensure that equal weight is given to the prevention of abuse in Wales, and must support the development of innovative programmes of preventative work to ensure this happens.

### **Public policy proposals**

- The UK Government to provide greater protection for older people targeted by scams by placing a duty on postal, telephone and internet providers to reduce the volume of scams in their networks.
- The Welsh Government to simplify the current legislation and guidance relating to the creation of No Cold Calling Zones in order to make the process easier for local communities and statutory agencies and to extend the protection afforded to older people.
- The Welsh Government and local authorities in Wales need to consider increasing the number of No Cold Calling Zones and make them legally enforceable, to protect older people from rogue traders and doorstep scams.
- Police and Crime Commissioners to work together to achieve national roll out of the 'Your Home, Your Right to Say No campaign'.
- The Welsh Government must ensure that equal weight is given to the prevention of abuse in Wales, and support the development of innovative programmes of preventative work to ensure this happens.

---

<sup>70</sup>South Wales Police (2017) Your Home, Your Right to Say No Campaign <http://commissioner.south-wales.police.uk/en/anti-social-behaviour/tackling-nuisance-doorstep-callers-and-uninvited-traders/>

<sup>71</sup> South Wales Police Survey (2016) <http://pcclivewww.blob.core.windows.net/wordpress-uploads/93-jpg>

<sup>72</sup> WASP Wales Against Scams Partnership (2016) Charter Against Scams.

<sup>73</sup> Ibid.

## Appendix: Definitions of different forms of abuse

The following definitions are taken from Age Cymru's 'Safeguarding' factsheet.<sup>74</sup>

Abuse can take a number of different forms, including:

- Physical abuse: abuse involving contact intended to cause or resulting in pain, injury, or other physical suffering or bodily harm. It can also result in feelings of fear and other psychological problems.
- Financial abuse; illegal or unauthorised theft or use of a person's property, money or other valuables.
- Psychological or emotional abuse: psychological abuse, also referred to as emotional abuse, is a form of abuse characterised by a person subjecting or exposing another to behaviour that, whilst not necessarily harming them physically, can cause significant emotional distress. It is often associated with situations of power imbalance, such as abusive relationships.
- Sexual abuse: this can be defined as when coercion or force is used to directly or indirectly involve someone in sexual activity without their consent. People who do not fully understand what is happening to them – due to reduced mental capacity, for example – are unable to consent to sexual activity.
- Neglect: this is a form of abuse in which the perpetrator is responsible for providing care for someone who is unable to care for him or herself, but fails to provide this - be it no care at all, or care that is clearly not of an adequate standard to meet the person's needs. As such, neglect can be deliberate, or can occur as a result of not understanding what someone's needs are.

There are also additional types of abuse that may be a factor in relation to the abuse of older people, which have been identified by various organisations or sources of research.<sup>75</sup>

- Institutional abuse (also referred to as 'organisational' abuse) is repeated instances of poor care, be it through neglect or poor professional practice resulting from inadequate policies, processes or structures within an organisation. It can occur in any setting where one or more service users receive a service, whether on a daily or residential basis – for example, a care home, a day services centre, a hospital ward or a person's own home.<sup>76</sup>
- Hate crime. The Welsh Government's safeguarding guidance advises that various 'forms of abuse [can] be motivated by the personal characteristics of the victim. This can make it a hate crime'. 'These involve a criminal offence perceived by the victim or any other person, to be motivated by hostility or prejudice based on a person's actual or perceived disability, race, religion and belief, sexual orientation and transgender'.<sup>77,78</sup>

---

<sup>74</sup> Age Cymru (2017) Safeguarding older people in Wales from abuse and neglect. Factsheet 78w. February 2017.

<sup>75</sup> Ibid.

<sup>76</sup> Ibid.

<sup>77</sup> Ibid.

<sup>78</sup> Welsh Government (2016) Social Services and Well-being (Wales) Act 2014: Working Together to Safeguard. People: Volume 1 – Introduction and Overview.

- Abuse of an older person by a stranger. Strangers will sometimes take advantage of older people and will over-charge for services, or put pressure on people to buy things they cannot afford, or do not want.<sup>79</sup>
- Domestic violence/abuse. Domestic violence and abuse is any incident, or repeated incidents, of controlling, coercive or threatening behaviour by a person towards an intimate partner (or someone who used to be an intimate partner), regardless of their gender or sexuality. Cases of elder abuse may also contain elements of domestic violence or abuse.<sup>80</sup>

---

<sup>79</sup> Age Cymru (2017) Safeguarding older people in Wales from abuse and neglect. Factsheet 78w. February 2017.

<sup>80</sup> Ibid.