

Hate Crime and Public Order (Scotland) Bill 2020

Scottish Parliament: Justice Committee

July 2020

The Committee welcomes your views on any issue relating to the Bill.

The Bill brings together the majority of existing hate crime laws into one piece of legislation. Do you believe there is merit in the consolidation of existing hate crime laws and should all such laws be covered?

Age Scotland welcomes the introduction of the Hate Crime and Public Order (Scotland) Bill and believe this is important legislation that will help to further protect people in Scotland, including older people from instances of hate crime.

As the national charity for older people in Scotland, it is our view that this Bill will have three major benefits:

- Enable the police in Scotland to act on reports of age hostility
- Give older people confidence in reporting hate crimes that they experience
- Act as a strong deterrent to those who would act out on age hostility

Age Scotland is supportive of any legal mechanism that will provide further protection to older people who have been targeted because of their age. Legislation can be at the forefront of changing attitudes and providing further legal ramifications for age hostility will be a strong statement of intent that Scotland does not accept this behaviour. Having stronger legal repercussions for age hostility can act as a deterrent from would-be criminals, and also prove to older people that any abuse they report will be taken seriously, and help enable them to have a voice.

Do you think that a new statutory aggravation on age hostility should be added to Scottish hate crime legislation?

Instances of age hostility can be viewed on a spectrum from relatively minor instances such as the use of phrases such as 'Ok Boomer' to deep intergenerational tensions, such as age hostility against older people after the United Kingdom voted to leave the European Union with a presumption that all of the older electorate were main supporters of 'vote leave'.¹

¹ <https://www.theguardian.com/commentisfree/2018/oct/19/ageism-greedy-oldies-brexiteer-young-people>

With crimes such as these currently not legislated for, we agreed and supported Lord Bracadale's recommendation for the introduction of age hostility to be added to the Scottish hate crime legislation. We know from our work with older people throughout Scotland that they may feel discriminated against because of their age, and whilst there is separate Equality legislation it is important that older people are also recognised as a group who may experience hostility due to their age; indeed, as may younger people. This aggravation will help to underline that there is no place in Scottish society for age hostility, as well as give older people who experience age hostility confidence to report this to the police.

Would there have been merit in introducing a statutory aggravation (outwith hate crime legislation) for the exploitation of the vulnerability of the victim?

Other forms of crime not included in the Bill

Age Scotland supported Lord Bracadale's recommendation as part of his review to introduce, outwith hate crime legislation, a general aggravation covering exploitation and vulnerability.

We know from calls to our freephone helpline which provides information, friendship, and advice that many older people are targeted by fraudsters due to their perceived vulnerability. This can be particularly upsetting for people with dementia, their family, and unpaid carers. For example, our research found that over 400,000 older people in Scotland were targeted by scammers in 2017.² Research from Citizen Advice Scotland estimates that on average people aged 75-79 lose £4,500 to scams, and that people aged 61-80 are more likely to be victims of investment fraud.³

It is important to note, however, that not all older people are vulnerable, and the language of the any such aggravation should not stigmatise older people as helpless and in need of protection, rather punish those who target older people because of a perceived vulnerability.

Age Scotland firmly believes that such a statutory aggravation should be applied to, but not limited to, the following circumstances:

- **Financial abuse, from strangers and family members**

This should include doorstep crime. By adding a further offence to this behaviour the Scottish Government have an opportunity to tackle the fact that 7 in 10 older people in Scotland are too embarrassed to contact the organisations scammers have been impersonating, or sharing details with the police so that these criminals are held accountable.⁴ We also know that due to the prevalence of loneliness and isolation, that 200,000 older people in Scotland go half a week or more without human contact means. We have heard anecdotally of older people who prefer to knowingly talk to scammers on the phone just so they have someone to talk to. Someone who takes advantage of this vulnerability should be held accountable and a statutory aggravation can help to bring justice to victims, and to act as a deterrent to would-be scammers.

Older people may also fall victim to financial abuse from their own family members, such as their children or grandchildren, or people supposed to be providing support and services who are financially grooming older people to leave them money in their Will. These people are in a position of trust and

² <https://bit.ly/2uoQf53>

³ <https://www.cas.org.uk/news/scams-awareness-month-scams-which-target-people-over-70>

⁴ <https://www.cas.org.uk/news/scams-awareness-month-scams-which-target-people-over-70>

often power especially when the perpetrator has caring responsibilities. This sort of exploitation of someone's vulnerability for financial gains should not be taken lightly.

- **Robbery, including violent crime**

When an older person is targeted for what can be a violent crime such as robbery because of their perceived vulnerability, for example, due to being frail or unsteady on their feet this should be covered by such an aggravation.

Want to find out more?

As Scotland's national charity supporting people over the age of 50, Age Scotland works to improve older people's lives and promote their rights and interests. We aim to help people love later life, whatever their circumstances. We want Scotland to be the best place in the world to grow older.

Our Policy, Communications and Campaigns team research, analyse and comment on a wide range of public policy issues affecting older people in Scotland.

Our work is guided by the views and needs of older people themselves.

Further information

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