



ELDER ABUSE IS A CRIME

LET'S MAKE IT ONE

ACTION ON ELDER ABUSE
SEPTEMBER 2017






FOREWORD

Every week in the UK, older people are being abused.

They're stolen from, neglected and physically beaten. They're mocked, tormented and even sexually assaulted.

And the reason that older people are so often targeted is because of their age. Physical infirmity and reduced capacity makes them easy targets for criminals.

The situation is further complicated by the fact that older people are more dependent on family, friends and other providers to support them on a day-to-day basis. Unfortunately, this dependency increases any perceived vulnerability. All too often, older people are being abused by the people who are supposed to be caring for them.





FOREWORD

But what's just as shocking is that, even if this abuse comes to light, the perpetrators are routinely treated with kid gloves by our judicial system. Paltry fines and community sentences are the norm. The message that this sends to abusers is: Commit a crime against an older person and you'll probably get away with it.

This must change. That's why we're campaigning for crimes against older people to be made aggravated offences, in the same way that crimes motivated by race, transgender identity, religion, disability or sexual orientation are. If people are to be deterred from committing elder abuse, the punishment must fit the crime.

Our research has revealed that there is huge support for such a step. The public intuitively understands that crimes against older people are hate crimes. We want government to make it one.

Gary FitzGerald
Chief Executive, Action on Elder Abuse



THE SCALE OF THE PROBLEM

Abusers of older people are getting away with it

- Despite academic research suggesting that an estimated 413,500 people aged 65 or over experience some form of abuse each year – ranging from neglect and fraud to physical and sexual assaults – an analysis of crime figures by Action on Elder Abuse found that the number of successful criminal convictions in 2015/16 (3,012) represents just 0.7% of total prevalence. This means that the vast majority – over 99% – of abusers who target older people are going unpunished.
- And, despite Wales and Northern Ireland having older people's commissioners, and Scotland having introduced legislation to protect older people in care settings, none of the UK nations prosecutes elder abuse as a specific crime under criminal law.

NO PROVISION IN LAW

While the Crown Prosecution Service details conviction rates for crimes against older people in England and Wales in its annual report on hate crime, it admits that there is “no statutory definition of a crime against an older person and no specific legislation”.

Sections 145 and 146 of the Criminal Justice Act 2003, which provide for a sentencing uplift in cases of racist and religious crime, homophobic and transphobic crime and disability hate crime in England and Wales, do not apply to crimes against an older person unless the crime also falls into one of these other categories.

We believe that the deficiencies in official statistics relating to abuse of older people have a knock-on effect across the justice system, with crimes against older people either ignored entirely or treated with less seriousness than crimes against other groups.

This is even happening in care homes, where residents should be able to expect their welfare to be paramount. Experience shows us that the social care system tries to ‘manage’ instances of abuse internally via adult protection referrals, without involving the police or criminal justice systems. We believe this is a key reason why so few cases of abuse even reach the courts.

NOT RECORDED. NOT PROSECUTED.


In March 2016, we submitted a Freedom of Information request to the 44 police forces across England and Wales asking how many cases of elder abuse and neglect had been given a police caution instead of referral for prosecution.

Of the 44, 40 declined to answer, saying the crimes spanned too many categories and citing “lack of resources” to produce a report. Of the four forces that did answer:

- Two said they had recorded no elder abuse or neglect cases in a whole year
- One had made 21 referrals to the Crown Prosecution Service (CPS)
- And one force that had investigated 76 elder abuse or neglect crimes had issued 76 police cautions, with not one single case reaching court.




WHY WOULD MAKING ELDER ABUSE AN AGGRAVATED OFFENCE HELP?

- It would enable tougher sentencing: Judges would be discouraged from giving community service or suspended sentences for these dreadful crimes and would instead be empowered to issue real prison sentences which would act as both a punishment and a deterrent.
 - It would take into account the impact of these crimes: Crimes against older people often have a significant detrimental impact. For example even a so-called 'minor' crime against an older person can act as a catalyst for a process of deterioration that can ultimately lead to their death. Soft sentencing can exacerbate that.
 - It would highlight the pre-meditated nature of these crimes: Making elder abuse an aggravated offence would highlight that older people are being specifically targeted by criminals.
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THE IMPACT OF ELDER ABUSE

In 2010 Margo Alongi was employed to care for Betty Lynch, who had cerebral palsy and was dying of bone cancer. In February 2011, Margo convinced Betty to get a cashline card- by now Betty completed trusted Margo and agreed. She also allowed Margo to monitor her mail - including bank statements - believing this was to stop her worrying about her finances.

Instead of helping Betty however, Margo cleaned out her savings, stealing thousands of pounds. After Betty passed away in early 2014, her niece Lynne received her last bank statement and knew instantly that a crime had been committed - the statement showed £2900 in cash withdrawals and £830 in shopping transactions. This, when Betty's ill health meant she was barely eating and doing very little.



Lynne reported the crime to the Police, highlighting all the irregularities, yet had to continually 'badger' them for updates on progress. The family endured 22 court appearances, an appeal, postponed trials and ultimately a 10-day trial before justice prevailed. On 28th October 2016 Margo Alongi was found guilty and sentenced to two years in prison for her crimes against Betty and another victim, Roy Scott.

SUPPORT FOR THE CHANGE

In February 2017, Action on Elder Abuse conducted a poll of more than 3,000 (3,183) people to assess attitudes towards making elder abuse an aggravated offence.

We found that nearly 95% of Britons agree that the abuse of older people should be an aggravated offence like hate crimes based on race, religion or disability. The survey also showed:



96% OF PEOPLE THINK PERPETRATORS OF ABUSE AGAINST OLDER PEOPLE SHOULD RECEIVE TOUGHER SENTENCES THAN THOSE TYPICALLY HANDED DOWN BY COURTS AT PRESENT.



JUST 1 IN 12 PEOPLE (8.5%) THINKS THE GOVERNMENT DOES ENOUGH TO SUPPORT OLDER VICTIMS OF CRIME.



95% OF PEOPLE AGREED (40%) OR STRONGLY AGREED (55%) THAT OLDER PEOPLE ARE SPECIFICALLY TARGETED FOR ABUSE DUE TO THEIR PERCEIVED PHYSICAL FRAILITY OR MENTAL VULNERABILITY.

SUPPORT FOR THE CHANGE

The survey also showed that:



SUPPORT FOR ELDER ABUSE BEING MADE AN AGGRAVATED OFFENCE WAS CONSISTENT ACROSS THE UK - IN SCOTLAND (95%), WALES (94%) AND NORTHERN IRELAND (95%) AS WELL AS ALL REGIONS OF ENGLAND.



MORE THAN 1 IN 10 OF THE OVER 65S WHO TOOK PART IN THE SURVEY HAD EXPERIENCED ABUSE THEMSELVES OR KNEW SOMEONE WHO HAD.



31% THOUGHT THAT ELDER ABUSE WAS ALREADY RECOGNISED AS AN AGGRAVATED OFFENCE AND ANOTHER 62% THOUGHT IT SHOULD BE.

WHAT YOU CAN DO TO HELP

- Write to your MP, MLA, MSP or AM
- Sign our petition: Search for 'Action on Elder Abuse Aggravated' on www.change.org
- Be vigilant: elder abuse is going on all around us, every day. It includes:

Having money and/or property stolen by individuals in a position of trust

Neglect

Power of Attorney being abused

Physical abuse

Psychological intimidation

If you think an older person you know is being abused, please call our helpline on 080 8808 8141 for confidential support and information, or visit www.elderabuse.org.uk.

Action on Elder Abuse is a UK-wide charity with a presence in all four nations. It aims to protect and prevent the abuse of vulnerable older people by raising awareness of the issues, encouraging education and giving information and support to those in need.

It also runs the only national Freephone helpline dedicated to this cause, open Monday to Friday between the hours of 9.00am and 5.00pm. Call 080 8808 8141 for confidential support and information.



WWW.ELDERABUSE.ORG.UK

ACTION ON ELDER ABUSE

For further information, please contact Sarah Carlin on sarah@journalista.co.uk or 07701061512.

Action on Elder Abuse is funded by The Big Lottery Fund. The Big Lottery Fund supports the aspirations of people who want to make life better for their communities across the UK. It is responsible for giving out 40% of the money raised by the National Lottery and invests over £650 million a year in projects big and small in health, education, environment and charitable purposes.

AEA is a registered charity in England and Wales (1140543), and also in Scotland (SC046278)