



## RESPONSE TO DOMESTIC ABUSE BILL

17.02.2021

## Hourglass – Amendments to the Domestic Abuse Bill (2020) for the Committee stage: House of Lord

### Introduction

Hourglass is the only UK charity dedicated to ending the harm, abuse and exploitation of older people. Since 1993 Hourglass (formerly Action on Elder Abuse) has supported older victims and their families through our unique Helpline, campaigned to improve the protective frameworks for older people and conducted original research into an area deeply misunderstood and ignored.

### Older people and domestic abuse – facts and figures

Domestic abuse of older people is a serious and widespread problem across the UK. Hourglass has consistently highlighted that increased isolation and time at home during the Covid-19 lockdowns is likely to have made the situation even worse for older victims of domestic abuse.

- Polling Hourglass commissioned around Safer Ageing Week in November 2020 revealed that 1 in 5 (22 percent) of people either had personal experience of abuse as an older person (aged 65+) or knew an older person who had been abused.
- This equates to around 2.7 million older people who may be experiencing some form of abuse each year, whether physical, psychological, financial, sexual or neglect.
- A significant proportion of abuse of older people can be considered domestic abuse under the new definition of personally connected. Of calls to our Helpline in 2020 concerning abuse of an older person, 64% detailed the known perpetrator as a partner, family member, son/daughter, or grandson/granddaughter and as such would be covered by this definition.
- Our polling in 2020 also revealed deeply troubling attitudes among some members of the public: when asked, just over 34 percent of respondents said they ***“did not consider domestic abuse or domestic violence directed towards an older person as a form of abuse”***.
- The [Crime Survey for England and Wales](#) (CSEW) found about 180,000 women aged 60 to 74 were victims of domestic abuse in 2019-2020, and about 98,000 men during the same period.
- Historically the CSEW has had an upper limit of 59 years of age for collection data on domestic abuse. This was raised to 74 in 2017 and it was recently announced that next year the national data collection on domestic abuse will, for the first time, include the 75s and over. However, the lack of historic data and the current [suspension of ‘sensitive questions’](#) in the CSEW poses an ongoing problem in understanding crimes and abuse perpetrated against older people.

### Key challenges

Older people face specific barriers in the domestic abuse support landscape. Shelters often do not have facilities to effectively care for those with underlying health needs, disabilities or physical or cognitive differences associated with old age.

Research conducted by domestic abuse advocacy group Safelives in 2017 found 48% of domestic abuse victims over 60 have a disability. This is now of even greater concern for older people who require an environment that can provide adequate protection from Covid-19.

Put simply, the framework that has underpinned the domestic abuse sector for some years – developing routes to empower victims to leave an abusive environment – continues to let down older people. The outcome of these two barriers faced by older victims is a sense of inevitability. A sense that older age necessarily means a lower level of autonomy, a higher degree of dependence and therefore a view that abusive behaviours cannot be challenged effectively.

## **Proposed Amendments to the Bill**

### **1. Definition of ‘personally connected’**

- ***Older people face abuse in domestic settings from non-relatives as well as relatives, including from professional and unpaid carers. This needs to be reflected in the Bill.***

Hourglass is concerned about the definition of ‘personally connected’. While welcoming the inclusion of ‘relatives’ as well as intimate partners or ex-partners in the Bill, the bill could better reflect the experiences of older people. Older people face significant risk of abuse in the domestic space from non-relatives, often by those who are providing informal care.

A significant proportion of calls to our Helpline concerning abuse of an older person in their own home detail a friend or neighbour as the perpetrator of abuse. In the first 6 months of 2020, 24% of calls to the Helpline concerned neither a professional nor a relative or (ex)partner but identified friend, neighbour or other as the perpetrator of abuse. The pandemic has further taught us that this is subject to change under certain conditions.

In comparing January-April 2019 and the same period in 2020, the Helpline saw calls relating to abuse perpetrated by a neighbour double.

#### **Recommendation:**

**Hourglass proposes that Clause 2 (1) is amended to include (h) ‘unpaid carers’** and agree with the definition of unpaid carers suggested by disability charity Stay Safe East, ‘neighbours, friends or others with whom the victim has a ‘personal connection’ and who perform caring duties for the person’.

This recommendation responds to arguments made in Committee that abuse perpetrated by professionals providing care are covered sufficiently by The Care Act (2014) and other existing legislation as well as caution over moving away from the ‘golden thread’ of the Domestic Abuse Bill. By specifying the term ‘informal care’, the Bill will retain a focus on those personal relationships, built on trust, that are subject to the worst kind of abuse and exploitation.

### **2. Controlling or coercive behaviour**

- ***Perpetrators of domestic abuse against older people do not always live in the same accommodation as their victims. This needs to be reflected in the Bill.***

Hourglass supports the amendment tabled by Lord Hunt of Kings Heath which aims to ensure where controlling or coercive behaviour is being carried out by a relative, as already defined in section 76(7) of the Serious Crime Act 2015, the offence under section 76 applies irrespective of whether that relative shares accommodation with the victim.

The most frequent perpetrator recorded by our Helpline is ‘Son/Daughter’, making up 38% of calls in the first 6 months of 2020. Many of those adult children do not reside with their parents but rather perpetrate abuse from other accommodation.

## **Recommendation:**

**Hourglass recommends the following amendments concerning controlling and coercive behaviour definitions.**

### **Controlling or coercive behaviour offence: England and Wales**

(1) In Part 5 (protection of children and others) of the Serious Crime Act 2015, Section 76 (controlling or coercive behaviour in an intimate or family relationship) is amended as follows.

(2) In subsection (2)—

(a) For paragraph (b) substitute—

“(b) A and B are members of the same family, or”.

(b) After that paragraph insert—

“(c) A and B live together and have previously been in an intimate personal relationship with each other.”.

(3) In subsection (6), for “(2)(b)(i)” substitute “(2)(b)”.

### **3. Power of entry for social workers**

- ***Granting social workers power of entry where abuse is suspected can be a vital safeguard for older people***

Hourglass supports the proposed amendment put forward by Baroness Greengross to grant social workers powers of entry where there is suspected abuse of an adult at risk. This protection is already legislated on in Scotland under the Adult Support and Protection (Scotland) Act (2007) and is a vital safeguard for older people. Additionally, this amendment will help cross-organisational cooperation between justice and adult safeguarding mechanisms.

## **Recommendation:**

**Hourglass supports the amendment put forward by Baroness Greengross as follows:**

“Social workers: powers of entry

(1) A magistrate’s court may make an order permitting a registered social worker to enter premises specified in the order by force for the purposes of identifying and supporting victims of domestic abuse on an application made to it in accordance with this section.

(1) A registered social worker may make an application if the social worker—

(a) has reason to believe that any of the occupants of the premises are at risk of being victims domestic abuse, and

(b) has been refused entry by any of the occupants of the premises.”

#### 4. Duty to report suspected abuse

- *Local authority financial assessments present an opportunity to report suspected abuse.*

Hourglass supports the proposed amendment put forward by Baroness Greengross detailing a new duty to report suspected abuse. We know the manifestations of abuse are often multiple and interacting.

Financial abuse has typically been the most common abuse reported to our Helpline (40% of calls in 2019) but rarely occurs without corresponding physical and/or psychological abuse. The financial assessment is a vital access point for abuse to be identified.

#### **Recommendation:**

**Hourglass supports the amendment put forward by Baroness Greengross as follows:**

“A local authority must ensure that, where any of its employees suspects in the course of carrying out a financial assessment for adult social care that a person is the victim of domestic abuse, the employee reports the suspected abuse to a relevant social worker or the police.”

#### 5. Community-based support services

- *We need to ensure equality of access to community-based, as well as accommodation-based, services.*

Hourglass also joins the many voices of those concerned that the Bill as it stands risks creating a tiered approach to service provision by placing a duty on Local Authorities to provide accommodation-based services but not community-based services.

#### **Recommendation:**

**Hourglass proposes the Bill secure sufficient specialist support services**, provided in the community as well as in refuges, and available to all without discrimination. This should include a duty to provide: community-based services (as well as refuge-based services which are covered in Part 4 of the Bill); sufficient specialist services for groups with protected characteristics (including age).



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Safer ageing · Stopping abuse

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