

JUSTICE COMMITTEE

PROSECUTION OF ELDER ABUSE

SUPPLEMENTARY SUBMISSION FROM ACTION ON ELDER ABUSE
SCOTLAND

Extract from report

Safety & well-being: What's important to older people?

Engagement project (November 2018 – February 2019)

Summary of the project

In November 2018, Action on Elder Abuse (AEA) Scotland was awarded a grant from the Scottish Government to engage with a cross-section of older people in Scotland. The intention of the project was to:

- seek older people's views on the issues that are important to them in order to help shape the Government's work on older people; and
- identify actions that should be included in the Scottish Government's Older People's Framework.

Our past experience has highlighted that many older people are often reluctant to discuss elder abuse, or may not identify themselves as victims of elder abuse. We therefore chose to them our engagement work around the more general theme of safety and well-being to encourage as many older people as possible to engage with us, as well as gathering views on a broader range of issues.

Methodology

Our project incorporated a range of activities designed to actively engage with older people and capture their views on range of issues:

- an engagement event aimed at older people and those supporting or representing older people
- an online and paper survey
- a focus group in a care home with residents with dementia and their families
- engaging with older people and practitioners throughout our day to day work.

Survey results

We received 103 responses to our survey (including both online and paper options). All respondents were aged 55 or over: 57.5% were male, and 42.5% were female. All respondents were resident in Scotland.

Although the project primarily focused on more general issues around safety and well-being, we included two specific questions seeking views on the following two proposals:

Please note that views were sought on the merits of each option – we did not ask views on whether the two options could be introduced in tandem.

Statutory aggravation on the basis of exploitation and vulnerability

When asked if they would support these proposals, 88 (85%) respondents said they would, 2 would not (2%), and 8 were unsure (8%). 5 did not answer this question.

Comments in support of the proposal included:

- “The people committing these crimes know exactly what they are doing”.
- “Definitely, and not before time”.
- “The courts imposing harsh sentences for anything in Scotland is a joke. We see time and again in the media that punishment does not fit the crime”.
- “Excellent and long overdue”.
- “Absolutely ...all predators should be thrown in jail and throw away the key”.
- “About time too”.
- “Stop talking and get on with it!”
- “Excellent idea”. (mentioned numerous times)
- “Despicable to take from the frail and vulnerable”.
- “Hopefully it would make some people think again”.
- “Anything that may prevent these culprits taking advantage of older vulnerable people is worth a chance. Also once convicted they should not be allowed to work in situations where trust and respect is of the first most importance”.
- “Definitely - they know what they are doing when they target the vulnerable person”.
- “Not harsher sentences as the ones now are totally 'soft'. Severe is a better word. Our judicial system is the softest in the world because of Human Rights etc!”
- “Our pensioners do not deserve to be harassed in any shape or form”.

Comments against the proposal included:

- “As much as I agree that the current criminal law needs reform. I do not believe this is the correct legal approach. I believe that there are too many questions that the proposals raise. As such, I agree with Action on Elder Abuse's proposal for a stand-alone offence of elder abuse. This I believe would provide a level of clarity as to the what criminal conduct is covered and limits the scope for judicial interpretation (positive or negative)”.
- “I don't think it will work, getting people to understand and protect vulnerability from a young age would, in my opinion be a better approach”

Proposal for a specific offence of ‘elder abuse’

When asked if they would support the creation of a new offence of ‘elder abuse’, 54 (52%) respondents said yes, 15 (15%) said no and 29 (28%) were unsure. 5 respondents did not answer the question.

Comments supporting the proposal included:

- “The most vulnerable people in our society deserve the best protection available”.
- “Deterrent value of harsher legislation and willingness to enforce it”.
- “A standalone piece of legislation similar to the recent domestic abuse bill passed through the Scottish Parliament would be desirable. How the law treats “elder abuse’.”
- “Definitely” (mentioned numerous times)
- “THEY HAVE NO RIGHT TO DO THIS TO VULNERABLE PEOPLE”.
- “Bring back physical punishment”.
- “People who target vulnerable people are the scum of the earth and need very stiff sentencing. But vulnerable also means people with mental issues and disabled. Picking on someone for instance with Down's syndrome”.
- “Minimum penalties imposed, financial and custodial. no community service”.
- “Too often the culprit gets away with it. "Because we couldn't prove it".”
- “The more threat of penalty the better”.
- “Get on with it asap”.
- “Would be interested in knowing more about this”.
- “The more serious the charge, the more it may deter those people who would steal or harm their relatives”.
- “This is a great idea because in a scenario of someone elderly going about their life with no problems and suddenly they're attacked or robbed or something more serious, the next thing you hear is they've given their zest for life up, became reclusive or worse, given up altogether and die .This is not isolated cases and must be addressed sooner rather than later so I am most in favour of this extra inclusion”.
- “Severe sentencing must be a better deterrent and also to ensure that the sentence is adhered to”.
- “There should be measures in place to prevent abuse by carers in the home and at old peoples homes”.
- “People that disrespect our elders should suffer for this”.
- “Need to have elder abuse recognised fully. There needs to be acknowledgement that there are people who will take advantage of those who are perceived to be elderly and vulnerable. Those people need to see that their actions will attract heavy sentencing and perhaps their name be put on some kind of register”.

Comments against this proposal:

- “The law should apply equally to all regardless of age of victim - or criminal”.

Other engagement activities

As part of this project, we also hosted an event for older people and practitioners supporting or representing older people. Around 90 people attended the event in North Queensferry in November, and the group discussions included discussion around the two proposals mentioned above. We also discussed the proposals with older people

who use Action on Elder Abuse Scotland's Helpline and Recovery Project, and those we engage with on a day-to-day basis.

Although it was difficult to quantify the results of these discussions, the vast majority of respondents supported both proposals when asked during the discussions. The discussions focused around many of the issues noted by the survey respondents, including:

- a perception that current sentencing is too lenient
- widespread recognition that many older people are deliberately targeted due to perceived vulnerability
- discussions around the factors which may make some older people more vulnerable, including loneliness, bereavement, gullibility / over-trusting nature, fear of family members or embarrassment that family are harming them, and limited understanding of online banking.
- support for older people and other vulnerable people to be offered the same legal protection as other groups.

Those who did not support the proposals felt that people of all age should be treated the same, and that older people should not be an exception.

Further information:

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