

## Written evidence submitted by Age UK (DAB21)

### Public Bill Committee: Draft Domestic Abuse Bill 2020

#### Age UK

1. Age UK is a national charity that works with a network of partners, including Age Scotland, Age Cymru, Age NI and local Age UKs across England, to help everyone make the most of later life, whatever their circumstances. In the UK, the charity helps more than seven million older people each year by providing advice and support. It also researches and campaigns on the issues that matter most to older people. Its work focuses on ensuring that older people have enough money; enjoy life and feel well; receive high quality health and care; are comfortable, safe and secure at home; and feel valued and able to participate.

#### Introduction

2. When talking about domestic abuse, older people and their circumstances are often overlooked. But it is crucial that older people who are experiencing domestic abuse can get the support they need. With this Bill, we have a real opportunity for the government to transform the lives of older survivors and victims of domestic abuse, and to ensure that domestic abuse becomes a priority for health and social care at both a national and local level as well as improving the resources available to help victims and survivors.
3. A law to address domestic abuse cannot prevent or stop instances of it – but it can make a real and lasting difference to what is understood as domestic abuse. With this Bill, we have a real opportunity for the government to transform the lives of older survivors and victims of domestic abuse, and to ensure that domestic abuse becomes a priority for health and social care at both a national and local level as well as improving the resources available to help victims and survivors.

#### Proposed amendment to Clause 2(1)

4. **Expanding the definition of domestic to better protect the needs of victims of domestic abuse by unpaid carers**
5. We welcome the expansion of the definition of domestic abuse, and the specific inclusion of statutory inquiries into suspected financial abuse, set out in the Care Act. This is particularly relevant to older victims of domestic abuse.
6. We know that domestic abuse remains a highly gendered crime and research shows that women are more likely to suffer more serious injury or be killed than male victims of domestic abuse. The majority of older victims of domestic

homicide are female (68%) and perpetrators are male (85%). However, both older men and women can experience domestic abuse from their partner, grown-up child or carer. Older people are almost equally as likely to be killed by their (adult) children or grandchildren (44%) as they are a partner/spouse (46%).

7. So it is especially important that the definition recognises the wide range of family relationships, as there are particular complexities and vulnerabilities that arise in these relationships, as someone ages and develops increased care needs.
8. This is also why the definition of domestic abuse must include abuse perpetrated by those who are in trusted positions and provide unpaid care, including friends and neighbours, as well as family members.

*This could be addressed in an amendment to Clause 2(1), Definition of “personally connected” by expanding the definition to include friends and neighbours who live outside the family home*

#### **Case study 1: abused by a carer**

**Sean (31) is live-in carer to Vihaan (92). Vihaan is very isolated and living with dementia. He relies on Sean for daily care since his wife died and has given Sean power of attorney over his affairs. Sean has slowly and systematically used coercive control to manipulate Vihaan and gain access to his home and his money. Vihaan is entirely dependent on his abuser.**

#### **Vihaan says**

When my wife Mary died, my world fell apart. I had no idea how to do anything around the house and had no family or friends to help. That’s when I called Sean. He was like a grandson to Mary and she always said he was a good lad.

Sean was a great support. When he moved in, he took over all the things Mary did - washing, shopping, paying the bills. In return I gave him a home.

He helped me draw up a list of work that needed to be done around the. I’d lost my driving licence due to poor eyesight so Sean persuaded me he could become my chauffeur if he learnt to drive. So I paid for his lessons and bought him a car. He was able to take me to appointments and out for pub lunches.

I knew he was helping himself to my bank account, but I needed him more than I needed my money. I noticed a few years back that my memory was starting to fade, so I signed a lasting power of attorney giving Sean authority to manage my finances. Sean said he would make sure I’ll never have to go into a home.

My GP tells me how fortunate I am to have a live-in carer like Sean, who meets all my needs. I feel quite muddled at lot of the time, but I know I've got Sean to look after me. He does have a temper on him, and he doesn't like us having visitors, so I've learned to keep quiet, not cause any fuss and do as I'm told.

I spend most of my days in my bedroom reading, sleeping and watching TV. Sean likes it that way.

***There have been several missed opportunities, where professionals working with Vihaan could have identified that abuse was taking place. His GP, bank staff and his solicitor could have seen the signs that Sean was coercing and financially abusing Vihaan, had they had the skills and time to speak with him and question his decisions more thoroughly.***

***If the Domestic Abuse Bill included abuse perpetrated by carer, there would also be an opportunity for those professionals to seek advice from specialist domestic abuse services who understand the impact coercive controlling behaviour can have on a victim/survivor's ability to make informed decisions.***

### **Proposed amendment to Clause 6:**

#### **Older people and domestic abuse: the hidden victims**

According to the Crime Survey for England and Wales for 2018/19, about 189,350 older women and 91,137 older men experienced domestic abuse in England and Wales in the past year.<sup>1</sup> This is about 280,000 people aged 60 to 74 experience domestic abuse in England and Wales.

Many older people suffering domestic abuse may be too frightened to go to the police or simply unable to reach out for help which means that this figure is likely to be much higher. Few older victims of domestic abuse are accessing any kind of professional support. This is illustrated by the fact that one in four victims of domestic homicides are over the age of 60.<sup>2</sup>

There are no reliable figures for people older than 74 as the data is not gathered – so in many cases older people experiencing domestic abuse are suffering in

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<sup>1</sup> Age UK analysis of the Crime Survey for England and Wales 2018/19

(<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/domesticabuseprevalenceandtrendsenglandandwales/yearendingmarch2019>) scaled up to the England and Wales population of women and men aged 60-74 years from the ONS mid-year population estimates for 2018

(<https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/datasets/populationestimatesforukenglandandwalesscotlandandnorthernireland>)

<sup>2</sup> 4 ONS (2019), Domestic abuse prevalence and victim characteristics, England and Wales: year ending March 2019 - Appendix tables, Table 21: Characteristics of domestic and other homicides for victims aged 16 years and over, combined data for year ending March 2016 to year ending March . 80 of 366 victims of domestic homicide in England and Wales during this period (22%) were aged 60 and older. Accessed via:

<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/datasets/domesticabuseprevalenceandvictimcharacteristicsappendixtables>

silence. Data on domestic abuse must be gathered for all ages, not just people aged 74 and under.

*This could be addressed in an amendment to Clause 6, (c)ii, making it clear that the duties of the Commissioner apply to adults of all ages.*

### **Proposed Amendment: Insertion of New Clause after Clause 12**

#### **9. Domestic abuse is a public health issue: missed opportunities to spot and support older people experiencing domestic abuse**

10. This Bill must do more to address domestic abuse among older people, in the form of tangible measures, which show the importance of vigilance and intervention in health and social care settings at this critical time for vulnerable older people. At present the Bill focuses solely on domestic abuse as a criminal justice issue. This is one aspect of tackling domestic abuse, but a new law should go further in recognising the role of public health bodies in tackling domestic abuse and enabling victims and survivors to escape abusive relationships.

11. For many older people, domestic abuse may have been going on for so long it may just feel unresolvable. Others may be dependent on their abuser financially or for their care. They might face other barriers to reporting such as physical or cognitive disability or they may be too afraid or ashamed to go to the police and report the abuse they are experiencing.

12. This makes the role of GPs, hospital and medical staff in recognising and supporting an older person who may be experiencing domestic abuse crucial. Which is why we are calling for more training for health care practitioners, including GPs and practice nurses. Improvements could be achieved by establishing mandatory, ongoing training for healthcare practitioners, including GPs and practice nurses, in how to recognise and support an older person who may be experiencing domestic abuse.

13. This is particularly crucial for those who interact with older people during admissions and discharges from hospital.

*This could be addressed by inserting a new Clause after Clause 12 that places a duty on public authorities to train staff, who provide a service to people who suffer or may suffer abuse, to make enquiries about domestic abuse.*

14. In addition, there needs to be more investment in Independent Domestic Violence Advocates in hospitals. IDVAs have specialist knowledge and play a

vital role in supporting people of all ages who experience domestic abuse. However, only 5% of people accessing an IDVA's services in 2017/18 were over 60.<sup>3</sup>

### **Case study 2: abused by her husband**

**Grace is 81. She had an abusive childhood – beaten and punished by her father. She has endured 57 years of physical and sexual abuse and financial and emotional coercive control by her husband, George.**

#### **Grace says**

I was born in 1938. When father returned from the war he would have rages. We were regularly beaten and made to go to bed without food. It wasn't a happy home.

I put my energy into my studies and started my nurse training. I loved my job and it meant I could leave home.

When I was 22 I met George. He was charming and showered me with compliments and made me feel wonderful. We had a small wedding and went on to have three children. Although I enjoyed my job I was thrilled to be at home. I never returned to nursing.

George provided for us financially. However, he controlled every penny and decided what I wore and how I arranged my hair. I lost contact with my friends from work, but he allowed me to chat with the other mothers at the school gates.

George liked routine: evening meal at 5pm, children in bed by 7pm. He had high expectations of what a wife should be and there was no discussion about what I may or may not want.

The only change was on a Thursday. George would go to the races and the children and I would watch *Tops of the Pops*. For years I lived for those Thursdays – laughing and dancing together in the front room.

George would return smelling of whiskey. If he'd won at the races we'd dance and he'd treat me to a bottle of port. If he'd lost, he'd treat me to a beating. The bruises carefully administered to areas on my body that wouldn't be seen.

When the children left home, George allowed me to have a part time job. I started to gain confidence and spoke to a friend at work. She helped me realise this wasn't like

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<sup>3</sup> ONS (2018), Domestic abuse in England and Wales – Appendix tables. Table 53: Gender and age of clients accessing Independent Domestic Violence Advisor (IDVA) services, Victim Support, year ending March 2018. 5% of clients accessing IDVA services were aged 60 and older. Accessed <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/datasets/domesticabuseinenglandandwalesappendixtables>

all marriages, as I'd been told by George. I could stand up to George and say no to his demands.

I began putting money aside for a rainy day. George noticed the change in me and began treating me differently - paying me compliments and taking me out for meals.

He even bought me a cat. I adored Misty and she followed me everywhere. I began to believe George had changed and was the man I had met all those years ago.

But one evening, after too much whiskey and a loss at the races, George whispered in my ear what he would do to Misty if I ever left him.

His memory has started to fail now. He gets frustrated and angry. Thankfully, problems with his hip mean he can't manage the stairs anymore so he sleeps downstairs and allows me to sleep upstairs.

Night-time is my favourite part of the day. I can rest knowing he can't get to me and feel safe for the first time in years. I lie in bed and my thoughts are completely my own.

And here we are - 57 years of marriage.

"Congratulations, what an achievement!" people say.

If only they knew.

***Grace has experienced a lifetime of abuse and control perpetrated by her father and then her husband. She is likely to be isolated and have low self-esteem. By raising awareness of domestic abuse, Age UK hope to enable people in later life, to recognise when they are experiencing domestic abuse and seek specialist support to feel safer.***

***We should not make assumptions that couples who have been together for decades, have 'chosen' to stay. We must provide a range of opportunities for people to speak out and understand the impact domestic abuse and controlling behaviour can have on decision making. For Grace leaving is unlikely to have ever been an option.***

***Increased numbers of hospital based IDVA's and adopting a systems change approach such as Women's Aid's Change That Lasts programme, would enable people with the skills and knowledge, an opportunity to reach out to people such as Grace and ensure that she gets the right response.***

### **Recommendations for Statutory Guidance**

- 15. Better links between the NHS, local authorities and police are needed to ensure older victims of abuse are properly protected and supported.**

16. There should also be better links at an organisational level between the police and other bodies involved in older peoples' care, including NHS bodies, Adult Social Care and Adult Safeguarding Boards, in order to reflect the legal duties under the Health and Social Care Act 2012. Domestic abuse must be fully considered in all adult safeguarding enquiries involving intimate partners, family members and carers. Domestic abuse must be fully considered as part of Care Act and Carers assessments.

*This could be addressed in the guidance that will accompany the Domestic Abuse Bill.*

17. There is a need for practitioners in the Police, NHS and Social Services to be able to more effectively differentiate between a social care need caused by a condition such as dementia, from a pattern of behaviour which can be considered abusive. Domestic Violence Protection Orders (DVPOs) could form an element in protective responses to older people with care and support needs who are experiencing domestic abuse, giving the victim room to consider their own wishes and feelings.

### **Case study 3: abused by their adult daughter**

Sylvia,80, and Arthur,88, are being physically, verbally, financially and emotionally abused by their adult daughter. They called Age UK's advice line desperate for help.

#### **Sylvia says**

Our daughter Paula is 48. She was diagnosed with an illness nine years ago which meant she was struggling to cope and had built up lots of debt. She's our youngest daughter so even though it was difficult for us we wanted to help and care for her. She sold her home to pay off her debts and moved in with us.

Paula's health is better now but she tells us she can't move out because she can't cope with living alone. She's demanded money from us – almost £30,000. She's stopped us seeing our friends and other relatives so we've gradually lost all support and feel so alone.

She shouts terrible things at Arthur and I can see his health deteriorating under the pressure. He has diabetes and breathing problems and all this stress is making him so much worse. I wish I could take it all away for him.

#### **Arthur says**

We wanted to help Paula but the atmosphere at home now is a living hell. Sylvia's been diagnosed with depression because of the daily strain and trauma.

Paula's thrown things at Sylvia which leaves her terrified. If we try to refuse to do as Paula demands, she threatens to throw things at Sylvia again.

We've told the GP about our situation at home but he doesn't seem to take it seriously. We've had the police round several times but they see Paula as a vulnerable adult so are reluctant to do anything.

We are frightened and don't know where to turn.

***Local Authority Adult Social services departments have a duty to make enquiries where they have 'reasonable cause to suspect' that a person is experiencing, or is at risk of, abuse or neglect, has care and support needs and, because of those care and support needs, cannot protect themselves from the abuse or neglect, or the risk of it.***

***Arthur and Sylvia had contacted Adult Social Care for advice but had been told they didn't meet the threshold for safeguarding enquiries, as they do not have care and support needs. Arthur and Sylvia contacted Age UK for advice as they didn't know where to turn. Age UK supported them to challenge this decision and Adults Social Care agreed to make enquiries under section 42 of The Care Act.***

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