



**Welsh Women’s Aid response to CPS Crimes against Older People Consultation**

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<b>These are the views of:</b>	<i>Welsh Women’s Aid (Third Sector) - the national charity in Wales working to end domestic abuse and all forms of violence against women.</i>

**About Welsh Women’s Aid**

Welsh Women’s Aid is the umbrella organisation in Wales that supports and provides national representation for independent third sector violence against women, domestic abuse and sexual violence (VAWDASV) specialist services in Wales (comprising our membership of specialist services and members of the regional VAWDASV Specialist Services Providers Forums).<sup>1</sup> These services deliver life-saving and life-changing support and preventative work in response to violence against women, including domestic abuse and sexual violence, as part of a network of UK provision.

As an umbrella organisation, our primary purpose is to prevent domestic abuse, sexual violence and all forms of violence against women and ensure high quality services for survivors that are needs-led, gender responsive and holistic. We collaborate nationally to integrate and improve community responses and practice in Wales; we provide advice, consultancy, support and training to deliver policy and service improvements across government, public, private and third sector services and in communities, for the benefit of survivors.

We also deliver direct services including, for example, the Welsh Government funded Live Fear Free Helpline and a National Training Service partnership. . We are piloting the Survivors Empowering and Educating Services (SEEdS) project, which is empowering survivors of violence and abuse to collectively influence and inform improvements in public services and commissioning frameworks, and help change attitudes.

We also deliver the Wales National Quality Service Standards, a national accreditation framework for domestic abuse specialist services in Wales (supported by the Welsh Government) as part of a UK suite



of integrated accreditation systems and frameworks that include sexual violence standards and BME service standards for Wales delivered by partner agencies. (More information on the NQSS can be found here: <http://www.welshwomensaid.org.uk/what-we-do/our-members/standards/>)

1: Does the section on 'CPS Policy' address the key issues in prosecuting crimes against older people and clearly explain the public interest factors to be taken into consideration by prosecutors?

As the Older People's Commissioner in Wales has estimated that over 40,000 older people in Wales are abused in their own home every year<sup>1</sup>, Welsh Women's Aid welcome that the CPS policy identifies the intersectionality between violence against women and girls (VAWG) and older people's experience of abuse and the particular experiences and barriers older women may face in accessing support.

In terms of public interest factors, it is important to consider the risk the perpetrator of the abuse poses to other people. Evidence suggests that men who are abusive in the adult family violence context, for example to an elder mother often display patterns of threatening behaviour towards other women and have also committed other forms of violence against women<sup>2</sup>.

The Solace Women's Aid Silver Project has found some agencies lack clarity between domestic abuse and other forms of violence against women and elder abuse<sup>3</sup>. Welsh Women's Aid is concerned a focus solely on 'elder abuse' can lead to a gender blind response and relies on a narrow definition of violence, not recognising the dynamics of gender and power which plays out with VAWG. Practice can then risk focusing on medical and social care needs rather than the specific needs of someone experiencing gender based violence such as safety planning and effective specialist responses.

In 2016, 46% of the women killed by men in Wales were over 50 years old.<sup>4</sup> These women were killed by partners, sons and neighbours.<sup>5</sup> The Domestic Homicide Review, Case Analysis by Standing Together Against Domestic Violence and London Metropolitan University, finds that Adult Family Homicide (AFH) is gendered, in the cases reviewed in the report, all but one of the victims were women and all the perpetrators were men. Nearly two-thirds of the victims were over 56<sup>6</sup>.

Correctly identifying the abuse of an older person within the context of VAWG is important as it allows services to focus on the nature of the relationship between the survivor and the abuser rather than the abused person's age and physical or mental capacity. The Dewis Project notes this

<sup>1</sup> 'Domestic abuse and sexual violence: Help and Support for Older People in Wales, Older People's Commissioner for Wales [http://www.olderpeoplewales.com/Libraries/Uploads/DVSA\\_Leaflet\\_-\\_Welsh\\_2016.sflb.ashx](http://www.olderpeoplewales.com/Libraries/Uploads/DVSA_Leaflet_-_Welsh_2016.sflb.ashx)

<sup>2</sup> [http://www.standingtogether.org.uk/sites/default/files/docs/STADV\\_DHR\\_Report\\_Final%202016.pdf](http://www.standingtogether.org.uk/sites/default/files/docs/STADV_DHR_Report_Final%202016.pdf) p 15

<sup>3</sup> Solace Women's Aid – Silver Project – <https://avaproject.org.uk/wp/wp-content/uploads/2016/12/Solace-Womens-Aid-Silver-Project-Findings-Older-Women-Experiencing-Domestic-Violence-Sexual-Abuse-.pdf>

<sup>4</sup> K. Ingala Smith, Counting Dead Women 2016, <https://kareningalasmith.com/2016/03/03/2016/>, 2016, [accessed 8 June 2017].

<sup>5</sup> Ibid.

<sup>6</sup> Standing Together – [http://www.standingtogether.org.uk/sites/default/files/docs/STADV\\_DHR\\_Report\\_Final%202016.pdf](http://www.standingtogether.org.uk/sites/default/files/docs/STADV_DHR_Report_Final%202016.pdf) – p 57

is important as the motivations of the perpetrator will be different, in VAWG the perpetrator will use strategies of coercive control, whereas this may be less apparent where abusive behaviour is a consequence of unintentional neglect<sup>7</sup>. While data on the prevalence of VAWG experienced by older women is limited, it seems likely from what evidence exists that older women experience violence and abuse at similar rates to younger women<sup>8</sup>. Welsh Women's Aid is clear this must be an important consideration for the CPS when prosecuting crimes against older people and the importance of considering legislation such as the coercive control act.

In Wales, the Social Services and Well-being (Wales) Act 2014, which placed safeguarding 'adults at risk' on a statutory basis and the Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 are two pieces of legislation which should work collaboratively around adult safeguarding and gender based violence. The Welsh Government National Strategy on Violence Against Women, Domestic Abuse and Sexual Violence however, itself acknowledges 'there is sometimes confusion between the experiences of domestic abuse in later life and 'elder abuse'... which can result in victims of abuse falling between the systems which are designed to offer them protection<sup>9</sup>. However while they place particular expectations on the public sector, they are limited in terms of their impact on criminal justice and policing, which are not devolved.

**Recommendations:**

- CPS to clearly define the intersectionality of VAWG experienced by older women.
- The risk the perpetrator poses to other women to be clearly understood and considered.
- VAWG experienced by older women to be clearly defined as separate from other forms of elder abuse and appropriate considerations of risk to be made.
- CPS to consider when coercive control legislation is appropriate when prosecuting crimes against older people.
- Ensure there is join up across the implementation of legislation in place to protect older women from abuse.
- Ensure there is joined up approach across devolved and non-devolved public sector in responding to older people experiencing abuse.

2: Does the section 'Monitored crimes against older people' clearly explain the types of cases the CPS wishes to flag and monitor? Do you think this flagging definition will capture the relevant cases? Is the age limit appropriate?

The CPS definition of an older person as 'someone aged 68 or over' is higher than other agency definitions; The Older People's Commissioner for Wales advocates for older people aged 60 and over and the Welsh Government's 'The Strategy for Older People in Wales 2013-2023' defines older people as over 50. A consistency across agencies in relation to age definition of older people is important as it impacts on measuring the experiences of abuse within the older generation. The Crime Survey for England and Wales and the Office for National Statistics collate domestic abuse

<sup>7</sup> The Dewis Project - <https://academic.oup.com/bjsw/article/48/4/962/5059565?searchresult=1>

<sup>8</sup> Women's Aid Federation of England, Annual Survey 2016 <https://1q7dqy2unor827bqjls0c4rn-wpengine.netdna-ssl.com/wp-content/uploads/2017/03/Annual-Survey-2016.pdf>

<sup>9</sup> National Strategy – insert link

data of survivors exclusively between the ages of 16-59, effectively making survivors over 60 years old invisible.<sup>10</sup> Data on the prevalence of VAWG experienced by older women is limited however, it seems likely from what evidence exists that older women experience violence and abuse at similar rates to younger women.<sup>11</sup> Within the Femicide Consensus report, of the 936 women known to have been killed by men in England and Wales between 2009-2016, 149 women were over the age of 66 (15.9%). This figure rises to 25.7% when it includes all women over 55. Welsh Women's Aid would recommend that the age limit be lowered to at least 60 years old, to align with the majority of agencies and the CPS to also recognise that people between 50-59 can experience abuse that is related to or is impacted by age or age-related concerns.

Welsh Women's Aid agrees that not all older people are vulnerable and that cases should be flagged where there is a perceived vulnerability.

### **Recommendations**

- The age limit be lowered to at least 60 years old, to align with the majority of agencies and the CPS to recognise that people between 50-59 can also experience abuse that is related to or is impacted by age or age-related concerns.

3: Do the sections on 'Offending behaviour' and 'Vulnerability of older victims' reflect and address the types of crime older people can experience and the diversity of circumstances of older people?

The offending behaviour of perpetrators of older women is likely to be similar to other perpetrators of gender based violence. It's also important to note that older women may have additional potential abusers to younger women such as daughters, sons, children-in law and grandchildren. Welsh Women's Aid would also highlight that perpetrators may be elderly themselves. We are concerned that such perpetrators may be excused of responsibility because of age. We are clear however, that the safety of the survivor and their right to live free from abuse is paramount while meeting the support needs of a 'vulnerable' perpetrator.

As we've mentioned previously, when considering the types of crimes older people might experience, in the context of family abuse, a gendered lens must be used in order to appropriately assess needs and risks as well as place it within the wider context of women's experiences of violence against women across society.

There is no common profile of older women experiencing abuse, there are wide differences in income, socio-economic class and other intersecting factors. In 2016-17, 9.2% of survivors who called the national Live Fear Free Helpline in Wales and disclosed their age, were over 55 years old. Some of these survivors also discussed disability (5.6%), mental health problems (10.7%),

<sup>10</sup> 'Domestic Abuse in England and Wales – Year ending March 2016', *Office for National Statistics* <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/datasets/domesticabuseinenglandandwalesbulletintables>, [accessed 30 may 2017].

<sup>11</sup> Women's Aid Federation of England, Women's Aid Annual Survey 2016', Women's Aid Federation England, March 2017, <https://1q7dqy2unor827bqjls0c4rn-wpengine.netdna-ssl.com/wp-content/uploads/2017/03/Annual-Survey-2016.pdf>, [accessed 23<sup>rd</sup> May 2017], pp. 41.

homelessness (2.8%), debt issues (1.1%), substance misuse (0.5%), attempted suicide (0.5%) and living within a travelling community (0.5%).<sup>12</sup> Older survivors are not one homogenised group but have individual, specific needs.

However there are specific needs older people may be more likely to experience that can be a barrier to them disclosing abuse and accessing support. Solace Women's Aid Silver Project found 49% of women supported were affected by 1 or more disability which increased risk and need and at least 90% had mobility needs. Older women also reported being less likely to leave the abusive situation and wanted support for their abuser, particularly if it's an adult child<sup>13</sup>.

In our 'Are you Listening and am I being heard' report some older women perceived that there was a lack of services for them to access and the lack of options to enable them to leave abusive situations, highlighting again the limited support that is available for older women<sup>14</sup> but also the barriers to disclosing in the first place if women feel there are no options available. It is also important to consider that older women may have grown up at a time when violence against women was not recognised and this will likely impact on their understanding of what support services are available.

#### **Recommendations**

- The safety of the survivor to be paramount, despite any vulnerabilities of the perpetrator
- A gendered lens must be used to properly risk assess abuse within family contexts
- Ensure that there is a clear understanding of the specific barriers that older people may have to reporting VAWG.
- Ensure the response to older people is needs-led and recognises the diversity of their experiences.

4: Does the policy guidance accurately reflect the barriers to justice older people can face as well as the support that can be put in place to mitigate this?

Welsh Women's Aid welcomes the understanding within the CPS policy of the specific barriers in the context of VAWG in both reporting and supporting a prosecution for older survivors. As the policy states there are particular barriers if the perpetrator is a family member or there is a dependence on the abuser. In Wales, the Access to Justice Pilot project which aimed to support older survivors of gender based violence to access justice, found gaps in the provision for older people's access to justice and that age discrimination infringed on older people's basic human right to access justice. The report also recommended the need for safeguarding and VAWG services to develop more integrated approach to supporting older survivors<sup>15</sup>. There must be a joined-up approach within the CPS and with devolved social service responses and links to Local VAWG services to support older survivors to access justice.

<sup>12</sup> <http://www.welshwomensaid.org.uk/what-we-do/briefings-consultation-responses-and-publications/>

<sup>13</sup> Op Cit – Solace Women's Aid

<sup>14</sup> Welsh Women's Aid 'Are you listening and am I being heard? Survivor Consultation: A report of the recommendations made by survivors of violence against women, domestic abuse and sexual violence, to inform the National Strategy in Wales', 2016

<sup>15</sup> Access to Justice Report - <https://gov.wales/docs/caecd/research/121220accesstojusticeen.pdf>

There can be a lack of 'professional curiosity' from agencies working with older women<sup>16</sup> due to assumptions made about older people's experiences of abuse. Injuries, confusion and depression may be assumed to be down to age-related conditions<sup>17</sup>. The Dewis project also highlighted this claiming service providers assume domestic abuse 'stops at around 50'<sup>18</sup> and experiences of gender based violence are subsequently not asked about. Welsh Women's Aid is also concerned about the risk of victim blaming if someone has lived with a violent partner for many years.

Many of the barriers to disclosing and exiting are similar to those of anyone experiencing gender based violence. However, through research Solace Women's Aid has identified additional barriers such as generational factors and the possibility of experiencing violence over a sustained period of time, as well as the fear of institutionalisation, the perpetrator is also the carer, age related disability or frailty. Shame and stigma silence women across the age ranges, but there may be additional concerns for older women who grew up when 'domestic issues' were very much kept behind closed doors, before specialist services even existed and the police response was inadequate. Additionally, older women experiencing sexual violence may experience further barriers to disclosing; they are from a generation where rape in marriage was legal and there was significant silence on sexual assault and rape. Additionally, sexual violence is often still associated with desirability, rather than power, older survivors of sexual violence can be concerned they won't be believed if services feel only young women are targeted in this way. It is important that the CPS and other agencies demonstrate that they will believe older survivors and support them if they disclose.

Wales was one of the first countries to highlight the lack of reference to older people in policy development. Research has highlighted that positioning gender based violence of older people in the context of elder abuse results in a predominately social welfare response, 'thus reducing access to civil and criminal justice options through domestic abuse services'<sup>19</sup>.

A step towards overcoming barriers and upskilling professionals to recognise abuse is the public sector duty within the Violence Against Women, Domestic Abuse and Sexual Violence (Wales Act) requiring public sector professionals to make targeted enquiries, called Ask and Act. The idea is that it increases opportunities for survivors to disclose abuse and increases access to specialist services. However Welsh Women's Aid would reiterate that this needs to be joined up with enough available, suitable specialist support services.

Finally, Welsh Women's Aid has partnered with Women's Aid England to develop a model for early intervention and prevention called 'Change That Lasts'. The model is underpinned by a strengths-based, needs-led, trauma informed approach for supporting survivors. For older survivors, this would mean a community that is able to recognise their experience and understand their individual needs. The model aims to increase the opportunities for older women to access support by maximising a communities' understanding and creating safe spaces where older people who have experienced abuse can feel safe to access vital information and be directed to the help needed. Given that findings from DHRs have indicated that 'informal networks' awareness of the violence

<sup>16</sup> Op Cit The Dewis Project – Domestic Abuse and Elder Abuse in Wales: A Tale of Two Initiatives

<sup>17</sup> Op Cit – Solace Women's Aid, Silver Project

<sup>18</sup> Ibid

<sup>19</sup> Op Cit – Dewis Project

was low<sup>20</sup>, any opportunities to upskill these networks to hopefully spot the signs sooner is essential.

**Recommendations**

- Older people must have the same access to justice as younger victims if they wish to pursue a prosecution
- CPS to fully understand barriers specific to older women and how this may impact on a prosecution
- The CPS to clearly demonstrate that older survivors will be heard, believed and supported to access justice, through making visible successful cases, monitoring response to older people to ensure they have equal access to the justice process and promoting these results.

5: Do you have any further comments on the CPS policy guidance on prosecuting crimes against older people?

<sup>1</sup>Our membership of third sector violence against women, domestic abuse and sexual violence specialist services in Wales, with whom we have national partnership agreements to ensure our work is coordinated and integrated includes: Aberconwy DAS, Atal y Fro, Bangor and District Women’s Aid, Clwyd Alyn Housing Association (CAHA) Women’s Aid, Stepping Stones, Safer Merthyr Tydfil, Carmarthen Domestic Abuse Service, Calan DVS, Cardiff Women’s Aid, Cyfannol Women’s Aid, Domestic Abuse Safety Unit (DASU), Gorwel (Grwp Cynefin), Montgomeryshire Family Crisis Centre, Newport Women’s Aid, North Denbighshire Domestic Abuse Service, Port Talbot & Afan Women’s Aid, RCT Women’s Aid, Safer Wales (including Dyn Project), Swansea Women’s Aid, Threshold, West Wales Domestic Abuse Service and Rape and Sexual Abuse Support Centre (RASASC) North Wales.

<sup>20</sup> Op Cit – Standing Together



The VAWDASV Specialist Services Provider Forums in each region involves the above services plus BAWSO, Hafan Cymru, New Pathways, Seren, Henna Foundation, Relate Cymru and Llamau where they are involved in delivering services locally or regionally.

How did you hear about this consultation (delete as applicable)?

- CPS Website

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