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# 1 Introduction

- 1.1 This document explains the way in which we, the Crown Prosecution Service (CPS), deal with crimes against older people and how we support older people who are victims and witnesses of crime.
- 1.2 We are publishing this statement because we want older people, their families, communities and the general public to be confident that the CPS understands the serious nature of crimes against older people. Safety and security, and the right to live free from the fear of crime, are fundamental human rights and go to the core of older people's priorities. Feeling and being unsafe, or 'at risk', have significant negative impacts on older people's health and sense of well-being and can leave them isolated and unable to participate socially and economically in their communities.
- 1.3 In the CPS, we are committed to taking into account age equality issues into all our prosecution policies. A further impetus for addressing crimes against older people is the growth of the older population in the United Kingdom and increasing longevity. Negative attitudes towards older people can be widespread in our society and these may be reflected in organizations that care for older people, whether in a domestic setting or in institutions. We are determined to play our part in challenging this: the development of a policy for prosecuting

crimes against older people is a key commitment in the Age Equality Action Plan, contained within the CPS Single Equality Scheme, 2006-2010. In order to meet our policy commitments, we will work with a range of agencies providing practitioner input to the development of policy and service responses, including any future legislation.

- 1.4 We recognise the diversity in circumstances of older people and that while some people must rely on help to manage their affairs, the amount of help will differ depending on individual circumstances. We also recognise that many older people do not consider themselves to be frail, vulnerable or in need of support in any way.
- 1.5 The CPS recognises the diversity of older people whether by gender, gender identity, ethnicity, religion or belief, disability or sexuality and that older people experience discrimination, not only by reason of their age but also because of their ethnicity, religion or belief, gender, gender identity, sexuality or disability. We also recognise that people may experience multiple discrimination on any of these grounds.<sup>1</sup>
- 1.6 This policy statement has been developed and taken forward in consultation with older people themselves, with representatives from organisations working with older people, and with academics working in the field of gerontology. We greatly appreciate all input; however, the content of this document is the responsibility of the CPS alone. This policy statement will be supported by more detailed guidance for all CPS prosecutors and caseworkers so that they have a clear understanding of the policy and how we deal with this type of crime.

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<sup>1</sup> We recognise that older people may also be victims of domestic violence and hate crime. Our policies on hate crime and domestic violence will be followed in these cases.

- 1.7** The CPS recognises that crimes against older people often take place in a context of abuse and mistreatment.<sup>2,3</sup> The *UK Study of Abuse and Neglect of Older People Prevalence Survey Report*<sup>4</sup> found that 2.6%, of people, (about 227,000) aged 66 and over living in private households reported that they had experienced mistreatment involving a family member, close friend or care worker during the past year.<sup>5</sup> This study also suggested that over half of situations of abuse involve partners, often in the context of people struggling to provide care, and especially if frail and/or unwell themselves.
- 1.8** When the prevalence survey findings are broadened to include incidents involving neighbours and acquaintances, the overall figure increases to 4.0% of people aged 66 and over. This equates to 342,400 older people in the UK who are subject to some form of mistreatment each year.
- 1.9** However, we recognise that none of these figures reflects the full context and reality of crimes experienced by older people. Older people can experience crime not only in their own homes but in other places, for example, in nursing homes, residential care homes, hospitals, prisons, and in public places.

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<sup>2</sup> Including neglect, financial abuse; physical abuse; and sexual abuse.

<sup>3</sup> *No Secrets* defines abuse as 'a violation of an individual's human and civil rights by any other person or persons...it may consist of a single act or repeated acts. It may be physical, verbal or psychological, it may be an act of neglect or an omission to act or it may occur when a vulnerable person is persuaded to enter into a financial or sexual transaction to which he or she has not consented or cannot consent. Abuse can occur in any relationship and may result in significant harm to, or exploitation of, the person subjected to it.' (DH p. 9).

<sup>4</sup> O'Keefe et al (2007).

<sup>5</sup> The figure of 66 relates to the researchers' method to ensure that people aged 66 were interviewed about their previous year's experience. This policy applies to all older people and monitors incidents against people aged 60 and over.

- 1.10** Stopping crimes against older people and bringing perpetrators to justice must therefore be a priority for our society and for the CPS. The CPS recognises its role in protecting older people’s human rights by prosecuting offenders effectively. In doing so, we want to promote greater public confidence in the criminal justice system – a key aim for all its agencies.
- 1.11** We recognise that older people may need support to enable them to give evidence and to ensure they have equal access to justice. We also recognise that access to justice is bound up with the status of older people and the regard in which they are held by society. Above all, we recognise that older people must be treated with dignity whatever their circumstances.
- 1.12** The variety, context and prevalence of crimes against older people mean that we must work closely with social services, social care and health care inspection and regulatory bodies, GPs, hospitals and advocacy/other specialist services for older people when handling cases. This does not relate solely to matters of investigation and charge, but includes, where appropriate, supporting older people who are victims and witnesses. We will also work with other criminal justice agencies to consider, for example, potential abuse in the prison system, arising from the growing number of older inmates.
- 1.13** However, the CPS is not the only agency that deals with cases of crimes against older people. The police, the criminal courts, magistrates and judges, and members of the legal profession, all have roles to play in promoting greater confidence in the criminal justice system.
- 1.14** Older people also go to courts as defendants. We expect that those representing them will consider any support and assistance they may need.

## 2 The role of the Crown Prosecution Service

- 2.1 The Crown Prosecution Service is the principal public prosecuting authority for England and Wales and is headed by the Director of Public Prosecutions. It was set up in 1986 to prosecute cases investigated by the police. The CPS is superintended by the Attorney General, who is accountable to Parliament for the Service.
- 2.2 The CPS has 42 Areas across England and Wales. Each Area is headed by a Chief Crown Prosecutor (CCP) who is responsible for the delivery of a high quality prosecution service to his or her local community. Forty one Areas (excluding London) are grouped into 14 Strategic Boards. Each Strategic Board is chaired by a Group Chair Chief Crown Prosecutor. A 'virtual' 43rd Area, CPS Direct, is also headed by a CCP and provides out-of-hours charging decisions to the police. Three casework divisions, based in HQ, deal with the prosecution of serious organised crime, terrorism and other specialised prosecution cases.
- 2.3 Each CPS Area is co-terminus with a single police service, with the exception of CPS London which covers the Metropolitan Police Service and the City of London Police.
- 2.4 The CPS decides charges in all but the most routine cases and our prosecutors will work with the police to ensure that cases

of crimes against older people are identified as early as possible so that the correct charging decision can be made.

- 2.5 It is the responsibility of the police to investigate allegations of crime and to gather evidence about what occurred.
- 2.6 Although the CPS works closely with the police, it is independent of them. The independence of Crown Prosecutors is of fundamental constitutional importance. Casework decisions taken with fairness, impartiality and integrity help to deliver justice for victims, witnesses, defendants and the public.
- 2.7 The criminal justice system in England and Wales relies on witnesses coming to court to give evidence about what occurred. Usually, witnesses give evidence in open court in the presence of members of the public and press. The defendant is almost always present as well. Reporting crime and giving evidence is a public duty and the key to any successful prosecution is based on the willingness of witnesses to come forward.
- 2.8 We recognise that, on occasions, a key witness will feel intimidated to come forward and ‘blow the whistle’ on criminal behaviour in, for example, a care home or day service setting. We recognise the crucial role that these witnesses play in exposing criminal practice and helping us to bring offenders to justice. We will work with the police and will do everything in our power to support witnesses to give their best evidence, including considering whether an application for special measures is needed (see section 7).
- 2.9 We know that those affected by crimes against older people are sometimes reluctant or unable to report the incident without support. Even if extra support is not required, we know that some older people may not report incidents to the police for fear of repeat victimization, or due to fears about continuing

dependency on the perpetrator or removal from their own home and being placed in an institution or care home. Older people may be targeted because of their unequal access to safety or on account of the environment in which they live, for example, in a hospital, care home or in their own home. Even if incidents have been reported, older people may be reluctant to give evidence for fear of intimidation if the perpetrator is prosecuted and they will therefore need help to do so.

- 2.10** We will do everything that we can to minimise the difficulty of giving evidence in court (see section 7 for more information) and will consider what measures are available to support older people, so that they can give their best possible evidence. It is important to us that crimes against older people are reported and prosecuted and that older people have equal access to justice.

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## 3 Crimes against older people

- 3.1** There is no statutory definition of a crime against an older person, and no general statutory offence of neglect of an older person.<sup>6</sup>
- 3.2** We understand that racist crime has a link to racism as a prejudicial set of ideas; just as sexual crime or domestic violence has a link to sexism and the application of power and control. Some crimes against the older person have a link to ageism as a prejudicial set of ideas. The CPS acknowledges that ageism may provide the backdrop where crimes against older people are tolerated.
- 3.3** Older people can be targeted because of their perceived or actual vulnerability or, their unequal access to safety. For example, an older man walking along a street may be robbed of his wallet because the suspect chose him because, on that basis, he was an 'easy' target. We will argue that there is an aggravating element to this crime; the fact that the suspect preyed on the older man due to his perceived age and visible frailty is a matter we would draw to the attention of the court.

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<sup>6</sup> There are specific offences of neglect: s127 Mental Health Act 1983 creates the offences to ill-treat or willfully to neglect a patient for the time the patient is receiving treatment for mental disorder as an in-patient in that hospital or home; section 44 Mental Capacity Act 2005 creates the offence of ill-treatment or neglect, which applies where the victim lacks capacity as defined in the Act.

- 3.4 Crimes against older people can take place in a context of abuse, neglect and mistreatment where they live, whether this is in a care home, their own home or hospital.
- 3.5 Older people can be targeted by antisocial behaviour causing them to experience intimidation and fear.
- 3.6 The summary provided in the points below explains the wide and complex range of crimes that older people may experience:
- a) criminal abuse or neglect of older people where there is a relationship and an expectation of trust (for example, by family members, friends, paid workers, volunteers, etc). This includes: domestic violence and where older people are targeted because they are either perceived or known to lack mental capacity; or criminal abuse or neglect of older people living either temporarily or permanently in regulated or un-regulated care settings;
  - b) crimes which are specifically targeted at older people because they are perceived as vulnerable or potentially easy to steal from (for example, financial abuse or theft, muggings of older people, doorstep theft, distraction burglary or rogue traders);<sup>7</sup>
  - c) crimes against older people which are not initially related to their age but may later become so (for example, a burglary where the burglar does not know the age of the householder but later exploits the situation on discovering that the householder is an older person); and
  - d) crimes against older people which are in part, or wholly motivated by hostility based on age, or perceived age, (for example, an assault, harassment or antisocial behaviour

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<sup>7</sup> The crimes described in a) and b) are often referred to as “elder abuse”.

involving derogatory statements associated with the victim's age).

- 3.7** We set out some of the more common offences which may involve older people in Annex 1.
- 3.8** As with any victim of crime, we will need to take into account the impact of the crime on him or her and the support needs that may arise as a result. We explain how we will support older victims of crime in section 7.

## 4 The Code for Crown Prosecutors

- 4.1 The way in which we reach our decisions about whether to prosecute is set out in the Code for Crown Prosecutors. This document is issued by the Director of Public Prosecutions. It is updated regularly so that it reflects current practice. We review the cases that are referred to us in line with the two stages that are set out in the Code. In cases where the police have already charged a defendant, we have to decide whether to continue the prosecution, reviewing the case in accordance with the Code. In both situations, the responsibility for decisions on prosecution is ours, not that of the victim nor the police.

### The evidential stage

- 4.2 Crown Prosecutors must be satisfied that there is enough evidence to provide a ‘realistic prospect of conviction’ against each defendant on each charge. They must consider what the defence case may be, and how that is likely to affect the prosecution case.
- 4.3 A realistic prospect of conviction is an objective test. It means that a jury or bench of magistrates or judge hearing the case alone, properly directed in accordance with the law, is more likely than not to convict the defendant of the charge alleged. This is a separate test from the one that the criminal courts themselves must apply. A court should only convict if satisfied so that it is sure of a defendant’s guilt.

4.4 When deciding whether there is enough evidence to prosecute, Crown Prosecutors must consider whether the evidence can be used and is reliable. There will be many cases in which the evidence does not give any cause for concern. But there will also be cases in which the evidence may not be as strong as it first appears. Crown Prosecutors must ask themselves the following questions:

- Can the evidence be used in court?
- Is it likely that the evidence will be excluded by the court?
- There are certain legal rules which might mean that evidence which seems relevant cannot be given at a trial. For example, is it likely that the evidence will be excluded because of the way in which it was gathered? If so, is there enough other evidence for a realistic prospect of conviction?
- Is the evidence reliable?
- Is there evidence which might support or detract from the reliability of a confession? Is the reliability affected by factors such as the defendant's age, intelligence or level of understanding?
- What explanation has the defendant been given? Is a court likely to find it credible in the light of the evidence as a whole? Does it support an innocent explanation?
- If the evidence of the defendant is likely to be questioned, is the evidence about this strong enough?
- Is the witness's background likely to weaken the prosecution case? For example, does the witness have any motive that may affect his or her attitude to the case, or a relevant previous conviction?
- Are there concerns over the accuracy or credibility of a witness? Are there concerns based on evidence or simply information with nothing to support it? Is there further evidence which the police should be asked to seek out which may support or detract from the account of the witness?

- Crown Prosecutors should not ignore evidence because they are not sure that it can be used or is reliable. But they should look closely at it when deciding if there is a realistic prospect of conviction.

## The public interest stage

- 4.5** In 1951, Lord Shawcross, who was Attorney General, made the classic statement on public interest, which has been supported by Attorneys General every since: “It has never been the rule in this country – I hope it never will be – that suspected criminal offences must automatically be the subject of prosecution”.<sup>8</sup>
- 4.6** The public interest must be considered in each case where there is enough evidence to provide a realistic prospect of conviction. Although there may be public interest factors against prosecution in a particular case, often the prosecution should go ahead and those factors should be put to the court for consideration when sentence is being passed. A prosecution will usually take place unless there are public interest factors tending against prosecution which clearly outweigh those tending in favour, or it appears more appropriate in all the circumstances of the case to divert the person from prosecution.
- 4.7** Crown Prosecutors must balance factors for and against prosecution carefully and fairly. Public interest factors that can affect the decision to prosecute usually depend on the seriousness of the offence or the circumstances of the suspect. Some factors may increase the need to prosecute but others may suggest that another course of action would be better.
- 4.8** The CPS regards crimes against older people as serious. It is therefore likely that a prosecution will be needed in the public

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<sup>8</sup> House of Commons Debates, volume 483, column 681, 29 January 1951).

interest. Other factors relevant to the public interest include where:

- the offence is serious;
- the defendant is in a position of authority and/or trust in terms of their relationship with the victim;
- there are grounds for believing that the offence is likely to be continued or repeated;
- the victim is vulnerable;
- the victim is injured;
- the defendant was motivated by prejudice or discrimination based on the victim’s age;
- the defendant uses a weapon;
- the defendant has made any threats before or after the attack;
- the defendant planned the attack;
- there is a continuing threat to the health and safety of the victim or anyone else who is, or may become, involved; and
- the defendant has a criminal history, particularly any convictions of offences against older people.

**4.9** In accordance with the Prosecutors’ Pledge, when considering the public interest stage, one of the factors that Crown Prosecutors should always take into account is: “the consequences for the victim of the decision whether or not to prosecute; and any views expressed by the victim or the victim’s family”. We always think very carefully about the interests of the victim when we decide where the public interest lies. But we prosecute cases on behalf of the public at large and not just in the interests of any particular individual. These are often difficult decisions. The views and interests of the victim are important, but they cannot be the final word on the subject of a CPS prosecution.<sup>9</sup>

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<sup>9</sup> The Code is a public document. Copies are available from CPS Communications Branch, 50 Ludgate Hill, London EC4M 7EX or from local CPS offices, or from our website [http://www.cps.gov.uk/victims\\_witnesses/code.html](http://www.cps.gov.uk/victims_witnesses/code.html)

## 5 The role of the police

- 5.1 It is the responsibility of the police to investigate all allegations of crime and to gather evidence relating to whether a crime has been perpetrated. Where a crime has been committed, the police investigator is responsible for gathering high quality evidence to support a prosecution.
- 5.2 The police will deal with crimes against older people in the same way as they will for any criminal investigation.
- 5.3 Working in partnership with statutory and non-statutory agencies, the police will seek to obtain corroborating evidence to support allegations of abuse. All material will be disclosed to the CPS.
- 5.4 In accordance with the Victim's Code, the police will provide information about Victim Support as well as other local specialist services that are available for older victims of crime.
- 5.5 In appropriate cases, the police will conduct interviews with victims and witnesses in accordance with Achieving Best Evidence guidance.<sup>10</sup> For example, it may be appropriate for the police to conduct video recorded interviews with the victim which may later be admitted as evidence-in-chief at court.

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<sup>10</sup> See [www.homeoffice.gov.uk/documents/achieving-best-evidence](http://www.homeoffice.gov.uk/documents/achieving-best-evidence)

- 5.6 If the older person has communication difficulties that interfere with their ability to give evidence, an Intermediary may be appointed to assist when evidence is taken in the early stages of the case, and later in court to make sure that the older witness can understand the questions put to him or her and have their answers understood in return. Intermediaries are usually speech and language therapists who work with witnesses to support them to give their best evidence. They are available to defence and prosecution witnesses.
- 5.7 If the incident occurred in a care home, hospital or other institution, we will expect the police to interview staff and conduct their investigation independently of any other investigation that other authorities may be conducting. Where a crime has been committed, the CPS will liaise with any other authority responsible for undertaking any other investigation in respect of any criminal mistreatment of an older person but the police investigation and the CPS charging decisions will be independent of any findings from any reviews that these inspection bodies may undertake.
- 5.8 Where older people are subject to abuse within a relationship with the perpetrator that involves an expectation of trust, for example, by a family member or care worker, the police will work closely with local adult safeguarding structures. Adult safeguarding structures are underpinned by *No Secrets* guidance in England and *In Safe Hands* guidance in Wales which direct agencies involved in the safeguarding of vulnerable adults to work together to prevent and respond to the abuse of vulnerable adults. The guidance also clearly states that the police investigation takes precedence over all other investigations.<sup>11</sup>

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<sup>11</sup> *No Secrets: guidance on developing and implementing multi-agency policies and procedures to protect vulnerable adults from abuse*, Department of Health, 2000. *In Safe Hands: Implementing Adult Protection Procedures in Wales*, Welsh Assembly, 2000.

- 5.9** The police investigator will, with partners, identify any additional support needs that the victim may have to inform CPS decisions relating to special measures applications. We will not assume that bringing the victim to court to give evidence is the only way to prove a case. Where the victim is unable to take part in the criminal proceedings, for example, by reason of mental incapacity or severe intimidation, we will actively consider with the police what other evidence may be available in order to build a case that can be proved in court, without the need for the victim to give evidence.

## Pre Trial Therapy

- 5.10** Witnesses who are vulnerable or intimidated may be undertaking or considering undertaking pre-trial therapy. It is important that the police and the CPS are aware that therapy is proposed, is being undertaken or has been undertaken.
- 5.11** It is a common misunderstanding that the CPS will not prosecute a case in which a child or adult has received pre-trial therapy. In fact, it is the nature of the therapy that is a key issue, rather than its occurrence and many forms of therapy will not have any adverse impact on the criminal case.
- 5.12** The best interests of the vulnerable or intimidated witness are paramount when deciding whether, when and in what form therapeutic help is given.
- 5.13** Whether a witness should receive therapy before the criminal trial is not a decision for the police or CPS and those involved in the prosecution do not have any authority to prevent any witness from receiving therapy. It is for the witness and/or their carers, in conjunction with the professional agencies providing support, to decide whether or not to undertake therapy.

**5.14** The nature of the therapy should be explained so that consideration can be given to whether the provision of such therapy is likely to impact on the criminal case. Certain therapeutic approaches present problems so far as evidential reliability is concerned. These include hypnotherapy, psychodrama, regression techniques and unstructured groups.<sup>12</sup> However as stated above, the best interests of the vulnerable or intimidated witness are paramount when deciding whether, when and in what form therapeutic help is given.

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<sup>12</sup> Full Guidance can be found in "Provision of Therapy for Child Witnesses Prior to a Criminal Trial (Practice Guidance)" and in "Provision of Therapy for Vulnerable or Intimidated Adult Witnesses Prior to a Criminal Trial (Practice Guidance)". Both these documents can be found at [www.cps.gov.uk](http://www.cps.gov.uk) and [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk)

## **6** Prosecuting crimes against older people

- 6.1** It is important that any reported incident constituting a crime against an older person is identified as such by the police and the CPS as this will inform the way that we handle the case and help us to monitor our performance in this area.
  
- 6.2** As we have explained in section 5, we will adopt a proactive approach to seeking further information from the police to help us to decide if a case can properly be prosecuted as a crime. In all cases, prosecutors should liaise directly with the officer in the case to make sure all available evidence has been obtained and sent to the CPS to consider when reviewing the case, and any need for special measures has been identified so that timely applications can be made to the court (see section 7 for more information on special measures).

### **Charge selection**

- 6.3** The charges that we select in any prosecution should always reflect the seriousness of the circumstances, any element of pre-meditation or persistence in the defendant's behaviour, the provable intent of the defendant and the severity of any injury suffered by the victim. The charges must help us to present the case clearly and simply and they must give the court the power to impose the right sentence. We will take

into account the impact on the victim or their family when making a charging decision.<sup>13</sup>

- 6.4** The time after an offender is charged with a crime can cause anxiety for the victim, and older people may feel especially vulnerable, particularly if the offender was also their principal carer (and/or spouse, partner or family relative).
- 6.5** The CPS and the police have agreed “charging standards” for certain types of offences including assaults. These are guidelines that help us to make consistent decisions about the right charges. We use them when reviewing cases. Examples of charging standards can be seen at: [http://www.cps.gov.uk/legal/section5/chapter\\_c.html](http://www.cps.gov.uk/legal/section5/chapter_c.html)
- 6.6** In section 3, we set out the range of circumstances in which crimes against older people may take place. The table in Annex 1 sets out the behaviours that older people can experience in such circumstances, and the offences these behaviours might amount to. Where the evidential and public interest stages of the Code test are met (see section 4 above), and the CPS is the prosecuting authority, these offences will be prosecuted.
- 6.7** In accordance with the Victim’s Code, we will inform victims of decisions not to prosecute and, in certain circumstances offer a meeting to explain why this decision has been made. Where a prosecutor has made a decision not to prosecute during a face-to-face consultation with a police officer (that is, without a full, written evidential report), the police officer must notify the victim of the decision not to charge.

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<sup>13</sup> Where the victim has died as a result of the criminal conduct or is unable to receive services as a result of a disability, the victim’s family spokesperson is entitled to receive services under The Code of Practice for Victims of Crime such as the right to be kept informed and to provide a Victim Personal Statement setting out the impact of the crime.

## Bail

- 6.8** After a person is charged with an offence, the police will decide, usually in consultation with the prosecutor, whether to release the person on bail, with or without conditions, to attend the next available court hearing (usually within two to five days of charge), or to keep the person in custody to appear before the magistrates' courts that day or the next. Once the accused appears before the court, the magistrates will make the decision about bail after hearing from the prosecution and the defence. We can appeal, in certain very limited circumstances, against a decision to grant bail.
- 6.9** Prosecutors can use Victim Personal Statements (see section 7) to help them to decide whether they should ask the court to impose conditions if a defendant is put on bail. In order to protect the older person from the risk of danger or threats or repeat offences, we may ask the court to impose conditions on bail or may ask for the defendant to be remanded in custody. The court can only refuse bail, or impose conditions on it, if there are substantial grounds for believing that the defendant would not attend court, would commit offences or would obstruct the course of justice, perhaps by intimidating witnesses.
- 6.10** Conditions that the court can impose include requirements not to approach any named person or to keep away from a certain area. In making decisions about whether to oppose bail, we will take account of information provided to us by the police about the fears of a victim or witness about harassment or repeat offending.
- 6.11** We will work with the police and the courts to make sure that the victim or witness is kept informed of any change to the bail conditions or custody status of the accused person. Witness Care Units, run by the police and the CPS, provide support and

information for victims and witnesses and a Witness Care Officer will keep in contact with the victim or witnesses to let them know of any changes.<sup>14</sup> We set out our obligations to victims and witnesses in section 7 of this policy.

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<sup>14</sup> In accordance with the Victims Code and Prosecutors Pledge to Prosecutors.

## 7 Support for older victims and witnesses

7.1 Incidents of elder abuse are under-reported to criminal justice authorities. The *UK Prevalence Study* (2007) found that only 6% of respondents reported abuse to the police.

7.2 The report *Hidden Voices: Older People's Experience of Abuse* (Action on Elder Abuse, 2004), as well as other studies, have identified the following as some of the possible reasons for under-reporting:

- lack of access to trusted people to tell of concerns or allegations; this may be a particular issue for older people who are socially isolated;
- older people with mental health issues may find it especially difficult to report crimes;
- fear that authorities will remove the victim from the abusive situation in the belief that it is the best course of action for the victim (but as a consequence of which the victim may lose their home or be placed into an institution or care home which may be the exact outcome that the abuser is hoping for);
- lack of access to telephone or other means of informing trusted people;
- embarrassment, particularly if the abuser is a family member;
- where crimes against older people occur in a private home,

there may be less chance that the incidents comes to the attention of social care or other professionals. In cases of financial abuse, older people can be too embarrassed to report theft or fraud if they have been duped into giving away money or valuable possessions;

- English is not some people’s first language. People may lack confidence to come forward and might need the support of an independent interpreter, especially if a crime was committed by a family member or friend.

**7.3** We will work with a range of service providers that may be available locally to ensure that older people get the support they need that goes beyond the criminal justice system. For example, specialist advocacy services for older people, Victim Support, or independent mental capacity advocates can play a critical role in providing ongoing support and assistance in communicating with professional agencies. These services can provide help to older people, whether or not criminal proceedings take place. There are details of these agencies in Annex 2.

**7.4** The CPS has a range of programmes and policies that aim to put every victim and witness at the heart of the criminal justice system. The full text and range of relevant documents are available from our website.<sup>15</sup> In addition, support is available from a range of agencies at each stage of the criminal process set out in this policy. Support needs are identified by the police, Witness Care Units and CPS prosecutors and other staff. The CPS is fully committed to taking all practicable steps to help victims and witnesses through the often difficult experience of becoming involved in the criminal justice system. We recognise that the earlier victim and witness needs are identified, the greater the likelihood that we will be able to put the most appropriate support in place.

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<sup>15</sup> [www.cps.gov.uk](http://www.cps.gov.uk) or by written request to CPS Communications Branch, 50 Ludgate Hill, London EC4M 7EX.

- 7.5** The following policies and initiatives apply to all victims and witness. We highlight aspects that are most pertinent to older people below.

## **The Prosecutors' Pledge**

- 7.6** The Prosecutors' pledge is a 10-point Pledge that describes the level of service victims can expect to receive from prosecutors. It ensures that the specific needs of older and vulnerable victims are addressed. For example, prosecutors should challenge inappropriate questioning where the older person is not provided with sufficient time to respond or which unnecessarily confuses them.<sup>16</sup>

## **The Code of Practice for Victims of Crime (Victim's Code)**

- 7.7** The Victim's Code sets out the obligations of the CPS towards victims; for example, section 7.8 of this Code, states that CPS prosecutors must consider whether to make an application for special measures for potentially vulnerable or intimidated victims such as older people who are to be called as witnesses to give evidence.<sup>17</sup>

## **Victim Personal Statements**

- 7.8** A Victim Personal Statement is a statement made by a victim of crime explaining the effect that the crime has had on them. Older people who are victims of a crime can use this statement to describe how they have been affected by the crime. They can talk about their wishes or needs during the case and any

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<sup>16</sup> The Prosecutor's Pledge can be obtained from our website [http://www.cps.gov.uk/publications/prosecution/prosecutor\\_pledge.html](http://www.cps.gov.uk/publications/prosecution/prosecutor_pledge.html)

<sup>17</sup> Copies of the Code of Practice for Victims of Crime can be obtained from CPS Communications Branch at 50 Ludgate Hill, London EC4M 7EX or from our website: [http://www.cps.gov.uk/victims\\_witnesses/victims\\_code.pdf](http://www.cps.gov.uk/victims_witnesses/victims_code.pdf)

concerns they may have as a result of the offence, for example, about safety, intimidation or bail. They can mention their support (or absence of support) for the prosecution and any requests they have for help from any of the support agencies. In this way, criminal justice agencies and the court can better understand not only the crime but also the context in which it occurred and its effects and consequences. The statement is optional, and the victim should be asked whether or not they wish to make such a statement or if they need help to make a statement from a support worker or family member. This statement can be made at any time and it is possible to make more than one statement.<sup>18</sup>

- 7.9** In murder, manslaughter and fatal road traffic cases, family members are entitled to take part in the Victim Focus scheme. In these cases, the prosecutor will offer to meet the victim's family to explain the criminal justice process and explain that the family can make a family impact statement which can be read out to the court by the prosecutor at the sentencing stage.

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<sup>18</sup> <http://www.homeoffice.gov.uk/documents/victimstate.pdf>

## 8 Helping older people to give their best evidence at court

### Witness Care Units

- 8.1 *No Witness, No Justice* is a joint programme between the police and the CPS and is aimed at being responsive to the individual needs of victims and witnesses through the establishment of dedicated Witness Care Units.
- 8.2 We have Witness Care Units in all 42 CPS Areas and these are run jointly by the CPS and the police. Witness Care Officers provide a single point of contact and tailored support for each witness to ensure that they are able to give their best evidence. This tailored support is based on a needs assessment which includes consideration of what specialist support an older witness may need. For example, this support could involve assisting with transport to and from the court; using accredited interpreters for hearing impaired witnesses; enabling some older people to give their evidence whilst seated due to their frailty; or allowing older witnesses to give their evidence via a live link, to avoid the need for them to be physically present in court.
- 8.3 Witness Care Units may also have links to specialist advocacy services for older people. Witness Care Officers will manage the care of the victim or witness from the time a defendant is

charged right up until the final hearing and will liaise with the Witness Service to arrange pre-trial court familiarisation visits.<sup>19</sup>

## Special measures

- 8.4** The CPS has a key role to play in making sure that special measures are put in place to support vulnerable or intimidated witnesses to give their best evidence.
- 8.5** Special measures were introduced by the Youth Justice and Criminal Evidence Act 1999 and are available in both the Crown Court and in the magistrates' courts. They are available to help the following witnesses:
- children under 17 years;
  - adults (17 and over) who may be considered vulnerable because of incapacity, such as a physical or mental disorder, or learning disability and
  - witnesses whose evidence is likely to be affected because they are in fear or distress about testifying.
- 8.6** Examples of Special Measures include:
- playing to the court the victim's or witness's video recorded statement in some circumstances;
  - allowing the use of screens in a courtroom to prevent a victim or other witness from seeing the defendant;
  - giving evidence away from the courtroom through a live television link (but the defendant will still be able to see them); and
  - clearing the public gallery in sexual offence cases or cases involving intimidation
  - appointing an intermediary (see section 5)

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<sup>19</sup> More information about pre court familiarisation visits can be found at [www.victimsupport.org.uk](http://www.victimsupport.org.uk)

- 8.7** The need for special measures should be investigated at the earliest stage, first by the police, (see section 5) and then by the prosecutor. When the police officer takes a statement from a witness, they will conduct an initial needs assessment for that person. If the witness later has to attend court to give evidence, the Witness Care Officer will conduct a detailed needs assessment. This is a further opportunity for the witness to give details about their concerns or about any of their needs which may have changed since their initial assessment.
- 8.8** In accordance with the Victim's Code, we will make sure that we consider any need for Special Measures where a victim has been identified as vulnerable or intimidated. We will apply for special measures but it is for the judge or magistrates to decide whether to grant them. In deciding whether or not special measures can be granted, the court has to decide if the quality of evidence that the witness is going to give is likely to be diminished without the special measures that are requested. As cases proceed, individual circumstances may change and so we may need to apply to the court to vary special measures. Wherever possible, any application for special measures will be made before the day of the trial. A Witness Care Officer will tell the witness of the court's decision.

### **Meeting between the CPS and vulnerable or intimidated victims and witnesses**

- 8.9** When an application for special measures is being considered, witnesses will be asked if they will want to meet the prosecutor. The purpose of meeting is to explain why certain special measures are (or are not) being applied for and to reassure witnesses that their needs will be taken into account and thereby help to build trust and confidence. The witness does not have to attend this meeting by themselves. They can bring a relative, a carer or other supporter. In order to facilitate communication with the victim, it may be appropriate for an

interpreter, or other similar person, to attend the meeting. Wherever possible, the CPS prosecutor will ensure that the advocate who will be conducting the trial attends the meeting between the CPS prosecutor and the witness. The CPS prosecutor or the Witness Care Officer will refer the victim to the Witness Service, run by Victim Support to arrange a pre-court familiarisation visit and support on the day of the trial.<sup>20</sup> The witness will also be given the opportunity to refresh their memory from their witness statement before they give evidence.

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<sup>20</sup> Further information about meetings with vulnerable or intimidated witnesses is contained in the leaflet: "Witnesses, Your meeting with the CPS Prosecutor". This leaflet is available from CPS Communications Branch, 50 Ludgate Hill, London EC4M 7EX or from our website <http://www.cps.gov.uk/publications/prosecution/witnesseng.html>

## 9 What happens if the victim withdraws support or no longer wishes to give evidence?

- 9.1 Sometimes, a victim will ask the police not to proceed any further with the case, or will ask to withdraw the complaint after the suspect has been charged. This does not necessarily mean that the case will automatically be stopped. As a general rule, we will prosecute all cases where there is sufficient evidence and there are not any factors that prevent us from doing so. If the victim has decided to withdraw support for the prosecution, we have to find out why. This may involve delaying the court hearing to investigate the facts and decide the best course of action.
- 9.2 We will take the following steps:
- ensure that an experienced prosecutor supervises the case;
  - if the victim decides to withdraw support, we will ask the police to take a written statement from the victim explaining the reasons for that withdrawal, confirming that the original complaint was true and identifying whether the victim has been put under any pressure to withdraw support; and
  - we will ask the police to give their views about the evidence in the case and also, as appropriate, to ask the victim's GP or other health or social care professional how they think the victim might react if they are compelled to attend court.

- 9.3** If the victim's statement, after withdrawing the complaint, is not the same as the earlier statement, we will ask the police to find out from the victim why it has changed. We will ask the police to do this, where possible and appropriate, in the presence of a friend or relative of the older person, or a health or social care professional.
- 9.4** If the victim confirms that the complaint is true but still wants to withdraw that complaint, we will consider first whether it is possible to continue with the prosecution without the evidence of the victim (the evidential stage) and then, if it is possible, whether we should continue the case without the support of the victim or against the victim's wishes (the public interest stage).
- 9.5** If we suspect that the victim has been pressurised or frightened into withdrawing the complaint, we will ask the police to investigate further. The investigation may reveal new offences, for example, harassment or witness intimidation, or that bail conditions have been breached. If the reason for a victim's or witness' withdrawal of support for the prosecution is based on fear or intimidation, the prosecutor needs to have the evidence brought to their attention in order to consider what further charges or action may be appropriate. For example, an application for appropriate special measures may provide the necessary support for the victim to take part in the process as a witness. We will be mindful that older people who are victims of abuse may feel vulnerable and fearful of the consequences of the alleged abuse being reported.
- 9.6** We will explore all these options fully, before we decide whether to proceed with a prosecution. The safety of the victim or any other potentially vulnerable person will be a prime consideration in reaching our decision.

## **10** Continuing a case where the victim has withdrawn support for the prosecution

- 10.1** Generally, the more serious the offence (because of, for example, the level of violence used or the real and continuing threat to the victim or others), the more likely we are to prosecute in the public interest, even if the victim says they do not wish us to do so.
- 10.2** In some cases if we have sufficient other evidence we could proceed without relying on the evidence of the victim at all.
- 10.3** If we decide that the case should continue and that it is necessary to rely on the victim's evidence to prove the case, we have to decide:
- if we can proceed with the prosecution by helping the victim to attend court by the use of special measures; or
  - whether we could apply to the court to use the victim's statement as evidence without the victim having to give evidence in court; or
  - whether we should compel the victim to give evidence in person in court.
- 10.4** Background information is crucial in helping a prosecutor to make the correct decision about how to proceed, including the need to consider any special measures or other support

available to the victim that may help them, at least in part, to overcome any concerns in order to take part as a witness. Some of the factors that should be considered include:

- the ability of the victim to testify;
- whether there is an ongoing relationship between the victim and the defendant, for example, where the defendant is the victim's main carer;
- whether the victim lives in a place in which they feel isolated or particularly vulnerable or where supporting the prosecution may place the victim at further risk of harm
- if there is an ongoing relationship, the history of the relationship and any instances of previous abuse (for example, any previous incidents of domestic violence);
- the chances of the defendant offending again;
- the impact on the victim of proceeding or not proceeding with the case; and
- whether there have been any threats made since the incident.

**10.5** Prosecutors will only make a decision to call victims to give evidence against their wishes after consultation with the police and, where appropriate, others with a legitimate interest, for example, the victim's doctor, health care workers and/or social workers, and with the safety of the victim as a prime consideration. Any decision to compel a victim to give evidence will also take into account the rights an individual has under the Human Rights Act 1998.

**10.6** The law allows us to use the victim's statement in court without calling the victim to give oral evidence but only in very limited circumstances. It is for the court to decide whether to allow this and it will do so only if it is in the interests of justice in this particular case. For example, it may not be seen to be in the interests of justice where the defence is prevented from cross-examining the only witness in the case.

## Continuing a case where the victim has fluctuating capacity

- 10.7** Older people with dementia or other age-related diseases may experience fluctuating capacity. This means that not only may their capacity to understand information and make decisions change over the course of a short period of time, it might also fluctuate in relation to different types of decisions. For example, a person with fluctuating capacity might be able to decide to give a witness statement but be unable to understand and make decisions in relation to taking part in the court process.
- 10.8** Older people with dementia have the same rights as all victims and witnesses to receive an equal and accessible service. We will not make assumptions about the reliability or credibility of a victim with fluctuating capacity.
- 10.9** We will consider what can be done to support older people to give their best evidence (see special measures information in section 7) and to seek other sources of evidence and other witnesses to support the case for the prosecution.
- 10.10** Where an older witness lacks capacity to make a decision in relation to the case, we will work with his or her appointed representative and in accordance with the principles of the Mental Capacity Act 2005.
- 10.11** Where available and appropriate, we will work with Independent Mental Capacity Advocates appointed under the Mental Capacity Act 2005 to assist older witnesses to make decisions about giving evidence and what support they might need in order to do so.

## Working in a multi-agency context

- 10.12** We recognise our responsibilities to work with other agencies to safeguard vulnerable adults as set out in *No Secrets* in

England and *In Safe Hands* in Wales. In many parts of the country, there are strong local safeguarding vulnerable adult structures in place with which we can work and seek advice from in relation to the more complex issues such as support and fluctuating capacity. We can also draw on the knowledge and expertise of the newly established Independent Safeguarding Authority (ISA), the Commission for Healthcare Inspection and the Commission for Social Care Inspection.

- 10.13** In circumstances where the test set out in the Code for Crown Prosecutors is not met and a prosecution is not possible, or a defendant is found not guilty at court, we will cooperate with other agencies such as relevant inspectorates and social care services to ensure that where appropriate non-criminal or other remedies or interventions are pursued. For example, there may be sufficient evidence for the defendant to be struck off his or her professional register.
- 10.14** We will also work with other prosecutorial agencies which have enforcement policies such as Trading Standards Departments, for example, when dealing with rogue traders.

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## 11 Sentencing

- 11.1** If there is any evidence that there is an aggravating element to the offence due to hostility towards the victim(s) based on their age, the prosecuting advocate will so advise the court. Whilst there is not currently any legislation which imposes a duty on the courts to increase the sentence for an offence based on hostility towards a person because of their age, there are a number of cases of crimes against older people, such as theft, robbery, burglary and fraud, which highlight the aggravating nature of targeting an older or vulnerable victim. The Court of Appeal has expressed its views clearly that offences against older and vulnerable persons are very serious and that those who select such victims, particularly those who attack older and vulnerable persons in their own home, can expect to receive lengthy prison sentences.
- 11.2** Prosecutors will always have regard to the guidelines issued by the Sentencing Guidelines Council in December 2004: *Overarching Principles: Seriousness*. They state that a court is required to pass a sentence that is commensurate with the seriousness of the offence and this is determined by the culpability of the offender and the harm caused (or risked being caused) by the offence. The culpability will be greater where an offender targets a vulnerable victim because of their age.

- 11.3** We recognise that the harm suffered by older people who are victims of abuse can be substantial. For example, the *UK Prevalence Study* (2007), found that 33% of respondents who had experienced mistreatment in the past year said that the effect was very serious. .
- 11.4** Respondents could report more than one type of effect the incident of mistreatment had on them, and the most commonly reported effects were emotional, such as feeling angry or upset (78%), and social, for example, feeling cut off from family or friends (61%). Physical effects, such as discomfort or pain (mentioned only by those who experienced neglect or physical abuse) were reported by 11% of respondents.
- 11.5** The court will be told of the older person’s experience of the crime during the case through witness’ evidence and also in a Victim Personal Statement (where one has been completed), so that the court may take this into account at the sentencing stage.
- 11.6** When a defendant pleads guilty or is found guilty, the court has to decide on the sentence to impose and can choose from a broad range of penalties. The penalties may be in the form of community orders, fines, or a prison sentence.
- 11.7** We will tell the court about the risk factors that are present so that it can impose sentences and orders that mitigate against this.
- 11.8** Before being sentenced, a defendant is entitled to make a plea in mitigation. In accordance with the Prosecutors’ Pledge, where mitigation casts unwarranted or unsubstantiated attacks on the character of another who may or may not be a victim, we will challenge the account and may ask the court to hear evidence to correct the defendant’s account.

- 11.9** We will give the court information to help it to decide whether to impose any ancillary orders in addition to the main sentence. For example, where appropriate, we will apply for a compensation order for loss, injury and damage. In all cases, it is for the magistrates or judge alone to decide what the sentence should be. In a limited number of offences (and only when the defendant is sentenced in the Crown Court), we have the right to ask the Attorney General to challenge a sentence, if we believe it is unduly lenient. Anyone, including the victim or the victim's family, can themselves draw the sentence directly to the attention of the Attorney General, if they consider it to be unduly lenient. There is, however, a strict 28 day time limit (from the date of sentence) within which the Attorney General must apply to the Court of Appeal to reconsider the sentence.

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## 12 Recording crimes against older people

- 12.1** To collect information about how we are handling cases of crimes against the older person, we will track them by asking CPS Areas to capture the case on our case management system. For the purposes of monitoring, we have selected the categories of crime set out in annex 1 where the victim is aged 60 years or over. We expect that these monitoring arrangements will capture the vast majority of cases. We will also capture any additional aggravating features, such as racist or religiously aggravated crime, disability hate crime, domestic violence or homophobic crime, in order to identify the most vulnerable victims. This will help to ensure that the case is handled appropriately.
- 12.2** In this way, the prosecutor will be put on notice to consider, at the earliest stage, what additional support the victim or witness needs to enable the case to be taken to court.

## 13 Conclusion

- 13.1 We are determined to play our part in stopping crimes against older people and in bringing offences to justice. We are committed to improving the way in which we handle such cases and we want victims and witnesses to have confidence in the way in which we review and manage our cases.
- 13.2 We hope that this document will help victims of such crimes to understand the work of the CPS, how we make our decisions, and the different stages of the prosecution process.
- 13.3 We will continue to work with the police, health and social care agencies as well as other colleagues in the criminal justice system and the voluntary and community sectors at national and local levels to help us to develop best practice.
- 13.4 We will monitor the way we deal with cases of crimes against the older person.
- 13.5 The CPS intends to review this policy statement regularly, so that it reflects current legislation and changes in society. We welcome, therefore, observations that enable us to do this.

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# Annex A

## Table of behaviours experienced by older people and offences they might amount to

In section 3, we set out the range of circumstances in which crimes against older people may take place and we refer to that range again in paragraph 6.6. For ease of reference, we set out the range again here.

- a. Criminal abuse or neglect of older people where there is a relationship and an expectation of trust (for example, by family members, friends, paid workers, volunteers, etc). This includes: domestic violence and where older people are targeted because they is either perceived or known to lack mental capacity; or criminal abuse or neglect of older people living either temporarily or permanently in regulated or un-regulated care settings;
- b. Crimes which are specifically targeted at older people because they are perceived as vulnerable or potentially easy to steal from (for example, financial abuse or theft, muggings of older people, doorstep theft, distraction burglary or rogue traders);<sup>21</sup>
- c. Crimes against older people which are not initially related to their age but may later become so (for example, a burglary where the burglar does not know the age of the householder but later exploits the situation on discovering that the householder is an older person); and

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<sup>21</sup> The crimes described in a) and b) are often referred to as “elder abuse”.

- d. Crimes against older people which are in part, or wholly motivated by hostility based on age, or perceived age, (for example, an assault, harassment or antisocial behaviour involving derogatory statements associated with the victim's age).

The table below sets out the behaviours that older people can experience in such circumstances, and the specific criminal offences these behaviours can involve. Where the evidential and public interest stages of the Code test are met (see section 4 above), and the CPS is the prosecuting authority, these offences will be prosecuted.

<b>Examples of behaviours</b>	<b>Examples of possible offences / relevant legislation</b>
Hitting, slapping, pushing, kicking	Common assault s.39 Criminal Justice Act 1988; actual bodily harm s.47 Offences Against the Person Act 1861; grievous bodily harm/with intent s.20 and 18, OAPA 1861
Misuse of medication to manage behaviour	Assault; false imprisonment; applies stupefying/overpowering drugs/matter or thing with intent to commit indictable offence s.22 OAPA; poisoning with intent to injure, aggrieve or annoy, s23/24 OAPA; unlawfully administering medication s.58 Medicines Act 1968; injuriously affecting the composition of medicinal products, s63 Medicines Act 1968; failure to comply with conditions/contravention of regulations s.24, 25 Care Standards Act 2000
Inappropriate restraint	False imprisonment; common assault; ABH; GBH; choking s.21 OAPA; kidnap; failure to comply with conditions/contravention of regulations s.24, 25 Care Standards Act 2000
Inappropriate sanctions	False imprisonment; assault; ill-treatment/wilful neglect s.44 Mental Capacity Act 2005; ill-treatment/wilful neglect of a patient s127 Mental Health Act 1983; failure to comply with conditions/contravention of regulations s.24, 25 Care Standards Act 2000

Examples of behaviours	Examples of possible offences / relevant legislation
<p>Sexual assaults, sexual acts to which the victim has not consented or could not consent or was pressured into consenting</p>	<p>(offences committed post May 2004) Rape, penetration, assault, causing sexual activity without consent s1-4 Sexual Offences Act 2003; sexual activity with a person with a mental disorder impeding choice or causing, inciting, engaging in the presence of/causing to watch, inducing by deception, threat or inducement s.30-37 SOA 2003; sexual offences by care workers against a person with a mental disorder impeding choice, causing, inciting, engaging in the presence of/causing to watch s.38-41 SOA 2003; administering a substance with intent s61; exposure s.66; voyeurism s.67; sexual activity in a public lavatory s.71 SOA 2003</p> <p>Before May 2004 Sexual Offences Act 1956 offences and unlawful sexual intercourse with patients/residents suffering mental disorder s.128 Mental Health Act 1959</p>
<p>Threats of harm or abandonment</p>	<p>Threats to kill s.16 OAPA; blackmail s.21 Theft Act 1968; common assault; ill-treatment/wilful neglect s.44 Mental Capacity Act 2005; ill-treatment/wilful neglect of a patient s127 Mental Health Act 1983</p>
<p>Deprivation of contact, isolation or withdrawal from services or supportive networks</p>	<p>False imprisonment; ill-treatment/wilful neglect s.44 Mental Capacity Act 2005; ill-treatment/wilful neglect of a patient s127 Mental Health Act 1983; failure to comply with conditions/contravention of regulations s.24, 25 Care Standards Act 2000</p>
<p>Humiliation, intimidation, emotional blackmail, verbal abuse, being shouted or sworn at.</p>	<p>Fear of violence s.4 Public Order Act 1986; intentional harassment, alarm or distress s.4A POA; harassment, alarm or distress s.5 POA; course of conduct amounting to harassment/causing another to fear s.1 and 4 Protection from Harassment Act 1997; harassment of a person in his home s.42A Criminal Justice and Police Act 2001; blackmail s21 Theft Act 1968; common assault;</p>

<b>Examples of behaviours</b>	<b>Examples of possible offences / relevant legislation</b>
Theft, fraud, exploitation, pressure in connection with wills, powers of attorney, financial transactions, or the misuse or misappropriation of property, benefits or possessions	Theft/robbery s.1 and 8 Theft Act 1968. Blackmail s.21 Theft Act; Fraud by false representation, by failure to disclose information, by abuse of position s.2, 3 and 4 Fraud Act 2007; forgery s.25 Identity Cards Act 2006 and Forgery and Counterfeiting Act 1981.
Ignoring medical or physical care needs, failure to provide access to appropriate health services, withholding medication, adequate nutrition or heating, unmet physical needs such as bedding or clothing soaked in urine or faeces, decaying teeth, overgrown nails.	False imprisonment; Wilful neglect or ill treatment of a person lacking mental capacity s. 44 MCA 2005; ill treatment or wilful neglect of mentally disordered patients within hospital or nursing homes or otherwise in a person's custody or care s.127(1) and (2) Mental Health Act 1983; failure to comply with conditions/contravention of regulations s.24, 25 Care Standards Act 2000
The impairment of, or an avoidable deterioration in physical or mental health; the impairment of physical, intellectual, emotional, social or behavioural development.	Wilful neglect or ill treatment of a person lacking mental capacity s. 44 MCA 2005 or of a patient s.127 MHA 1983 failure to comply with conditions/contravention of regulations s.24, 25 Care Standards Act 2000
Actions resulting in death	Murder; manslaughter; Corporate Manslaughter; causing or allowing death of a vulnerable person in a domestic setting s.5 Domestic Violence, Victims and Crime Act 2004; aiding or abetting suicide s.2 Suicide Act 1961; failure to comply with conditions/contravention of regulations s.24, 25 Care Standards Act 2000

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# Annex B

**Listed below are contact details for some of the organisations that support older people and that provide information on issues affecting older people.**

## **Action on Elder Abuse**

Action on Elder Abuse is an abuse charity focusing on older people. Action on Elder Abuse works to protect, and prevent the abuse of, vulnerable older adults. It is active across the entire United Kingdom. Action on Elder Abuse provide a wide range of services including policy work, a number of training products, conferences and media work.

Action on Elder Abuse also provides the UK's only helpline for anyone concerned about the abuse of an older person. Trained operators are able to offer callers support, information and indicate what action may be taken to tackle abuse.

**Admin number: 020 8765 7000**

**Free phone Helpline Number: 0808 808 8141**

## **Age Concern England**

Supports all people over 50 in the UK. Age Concern provides essential services such as day care and information. The organisation also campaign on issues like age discrimination and pensions, and work to influence public opinion and government policy about older people. Local branches can be located on Age Concern's Website [www.ageconcern.org.uk](http://www.ageconcern.org.uk)

### **Age Concern Wales**

Works with older people, older people's forums, local influencers, decision-makers and service providers, to make sure that the specific needs of Wales' older population are recognised and addressed. More information can be found here [www.helptheaged.org.uk/en-cy](http://www.helptheaged.org.uk/en-cy)

### **Centre for Social Gerontology**

Keele University. Established in 1987, the Centre conducts research on social aspects of ageing, with a particular focus on the social policy of later life.

[www.keele.ac.uk/research/lcs/csg/index.htm](http://www.keele.ac.uk/research/lcs/csg/index.htm)

### **Citizens Advice**

The Citizens Advice service helps people resolve their legal, money and other problems by providing free information and advice from over 3,000 locations, and by influencing policymakers. Local branches can be found on CAB's website.

[www.citizensadvice.org.uk/index/aboutus.htm](http://www.citizensadvice.org.uk/index/aboutus.htm)

### **Help the Aged**

Help the Aged is an international charity fighting to free disadvantaged older people from poverty, isolation and neglect. Help the Aged researches the needs of older people in the UK and overseas and campaign for changes in policy. The organisation provides community services and publishes information on finance, how to stay healthy as well as guidance on choosing a care home.

Local branches can be located on Help the Aged's website [www.helptheaged.org.uk](http://www.helptheaged.org.uk)

## **MIND**

Mind is a mental health charity operating in England and Wales. The organisation works to create a better life for everyone with experience of mental distress.

The MindinfoLine offers callers confidential help on a range of mental health issues. 0845 766 0163

Mind also runs a local network. These offer supported housing, crisis help lines, drop-in centres, counselling, befriending, advocacy, employment and training schemes, and other services.

[www.mind.org.uk](http://www.mind.org.uk)

## **Public concern at work**

Public Concern at Work (PCaW) is the independent authority on public interest whistleblowing.

[www.pcaw.co.uk](http://www.pcaw.co.uk)

020 7404 6609

## **Victim Support**

Victim Support is the national charity which helps people affected by crime. The organisation provides free and confidential support to help victims deal with their experience, whether or not they report a crime

Victim Support also runs the Witness Service in every criminal court in England and Wales to give information and support to witnesses, victims, their families and friends when they go to court.

Witness Service staff and volunteers offers:

- someone to talk to in confidence
- a chance to see the court beforehand and learn about court procedures
- a quiet place to wait

- someone to go with you into the court room when giving evidence
- practical help (for example with expense forms)
- easier access to people who can answer specific questions about the case (the Witness Service cannot discuss evidence or offer legal advice)
- a chance to talk over the case when it has ended and to get more help or information.

**[www.victimsupport.org.uk](http://www.victimsupport.org.uk)**

**Support line: 0845 30 30 900**

