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Dear Minister

Domestic Abuse Act Statutory Guidance

Thank you for the opportunity to respond to the draft statutory guidance framework for the Domestic Abuse Act 2021.

Stopping the abuse of older people is one of my key priority areas as Commissioner. In April 2020, I established an [Action Group](#) of organisations who are working together to ensure that older people can get the support they need to keep them safe and protected from abuse and crime. I am concerned that the specific challenges faced by older people at risk of, or experiencing, abuse are not always sufficiently recognised within policy and practice.

It is positive that the legal definition of domestic abuse within the Guidance incorporates a range of abuse beyond physical violence including emotional abuse, coercive or controlling behaviour, and economic abuse. This broader definition raises awareness of the many different behaviours constituting domestic abuse, within the context of personal relationships.

In the Guidance, I am pleased to see that reference is made to some of the additional challenges experienced by older people, including:

- the hiddenness of the abuse of older people within statistics;
- the increased risk of abuse when older people have care and support needs;
- the difficulties experienced by many older people in disclosing abuse;
- the failure of some professionals to identify the abuse of older people; and

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

- the barriers faced by many older people in accessing specialist services.

In order to strengthen an awareness of these additional challenges and to highlight the actions needed in response, I would like to draw your attention to two pieces of research, commissioned as part of the work of my '[Stopping Abuse Action](#)' group.

The first piece of research focuses on the need to increase the levels of appropriate accommodation for older people wishing to flee abusive relationships¹. The report highlights the scarcity of suitable accommodation in Wales for older people intending to leave abusive relationships and the actions needed to increase levels of service provision.

The second piece of research explores the extent to which specialist services consider the specific needs and circumstances of older people within their planning and support². The report makes clear that many all-age services fail to consider the specific needs of older people and that levels of service up-take amongst older people are therefore low. The problems of collaborative working between safeguarding and domestic abuse services is also considered. Consistent with previous research³, it is found that the two systems appear to work in largely separate ways; meaning that many older people experiencing abuse are not given access to the full range of safeguarding and specialist domestic abuse services. Strategies must be put in place to address this concern and to facilitate collaborative working between these two areas of practice.

However, the report also highlights examples of good practice in the delivery of services specifically for older people experiencing, or at risk of, abuse, including the Dewis Choice project.⁴ The Guidance would benefit from drawing upon these good practice examples in promoting ways of working, which encourage and enable older people to make use of specialist services.

The two main points that I would like to make regarding the Guidance, are as follows:

- The description of 'personally connected' relationships in the Guidance is important in making clear that perpetrators of domestic abuse do not necessarily live within the same households as their victims. Statistically, older people who experience abuse are twice as likely to be living with their perpetrators than younger people⁵. However, older people may also experience abuse from relatives living outside of their home environments⁶ and it is important that this abuse is also seen as 'domestic abuse', so that victims may access the necessary care and support. The broadening of the definition of 'personally connected' to include those within non-kinship relationships could therefore be considered, as older people can rely on friends and/or neighbours for physical and emotional support.
- The use of case studies is important in highlighting some of the issues raised within the Guidance, but it is disappointing to note that there are no case studies

highlighting the specific challenges faced by older people. The Guidance would benefit from the introduction of case studies raising awareness of some of the specific challenges faced by older people experiencing abuse.

As you note within the Guidance, older people are at particular risk of abuse and I am committed to ensuring that the right services and support are in place to protect them. To that end, I hope that the information provided within this paper is useful and that the points made are of value to the ongoing development of the Guidance. Should you require any further information, please do not hesitate to contact me.

Yours sincerely,



Heléna Herklots CBE
Older People's Commissioner for Wales

¹ Older People's Commissioner for Wales (2020). Accommodation and Support for Older People Experiencing Abuse. Available at:

https://www.olderpeoplewales.com/Libraries/Uploads/Accommodation_Workshop_Report.sflb.ashx

² Older People's Commissioner for Wales (2021). *Support Services for Older People Experiencing Abuse in Wales*. Available at:

https://www.olderpeoplewales.com/Libraries/Uploads/Support_Services_for_Older_People_Experiencing_Abuse_in_Wales.sflb.ashx

³ Wydall, S., Clarke, A., Williams, J. and Zerk, R. (2018). *Domestic Abuse and Elder Abuse in Wales: A Tale of Two Initiatives*. *British Journal of Social Work* (48), pp. 962-891.

⁴ Centre for Age Gender and Social Justice (2021) *Dewis Choice Initiative*. Available at:

<https://dewischoice.org.uk/what-we-do/dewis-choice-initiative/>

⁵ Safe Lives (2016). *Safe Later Lives: Older People and Domestic Abuse*. Available at:

<https://safelives.org.uk/sites/default/files/resources/Safe%20Later%20Lives%20-%20Older%20people%20and%20domestic%20abuse.pdf>

⁶ Andrews, J. 2017. *Abuse of Older People: The Responsibilities of Community Nurses*. *British Journal of Community Nursing* 22(5), pp. 224-225