

NEWS RELEASE

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Law Commission recommendations bring adult protection into the 21st century, say two leading organisations that challenge elder abuse.

It is time for the Government to make a clear public statement of support in relation to Adult Safeguarding

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Solicitors for the Elderly (SFE), the leading organisation for specialist lawyers acting for older and vulnerable people, and Action on Elder Abuse (AEA), the leading charity fighting elder and adult abuse, have today joined together to strongly welcome the Law Commission (LC) Report on reforming Adult Social Care legislation.

“Too many older and other vulnerable adults are relying on a post code lottery for their protection and these recommendations will finally bring this situation to an end”, said Gary FitzGerald Chief Executive of AEA. “When we are considering what are often horrendous abuses and neglect we need systems that are consistent and can guarantee adequate protection. Society

expects no less and it is now time for the Government to publicly outline its response to these recommendations and state clearly its position on the earlier No Secrets adult protection review.”

The LC recommendations include a duty on social services to investigate or cause an investigation into adult protection cases; a duty on Government to prescribe the process for such investigations; a new definition of people at risk of abuse and of harm in order to ensure those in need receive adequate protection; a statutory basis for adult safeguarding boards which should as a minimum comprise local social services, police and health; the legal requirement to establish serious case reviews; and an enhanced duty to cooperate between relevant organisations.

Caroline Bielanska of SFE said, “We welcome the recommendation to have an express and clear duty for local authorities to investigate and take appropriate action, for those at risk of harm, including self funders and those who self harm or self neglect, where currently the system is wholly inadequate and leave people extremely vulnerable”.

Despite the comprehensive nature of the LC review there are a number of crucial issues that have yet to be addressed, including adequate funding of adult safeguarding in a time of cutbacks, and also what powers of intervention might be needed to ensure adequate safeguarding. Continued FitzGerald, “While the Law Commission have produced an excellent set of recommendations they have also unnecessarily sidestepped the second part of what is needed. Establishing the framework for adequate safeguarding will be insufficient if investigators lack the necessary powers to gain entry and intervene. We now need the Government to consult upon and then introduce appropriate powers in any new legislation.”

ENDS.

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NOTES TO EDITORS:

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1. Action on Elder Abuse is a national charity which aims to protect, and prevent the abuse of, vulnerable older people. It does this by raising awareness of the issues, encouraging education and by giving information and support to those in need. It has the only national freephone helpline dedicated to this cause and callers may ring from Monday to Friday between the hours of 9.00am and 5.00pm on 080 8808 8141 from the UK or 1800 940 010 from the Republic of Ireland for confidential support and information. For further information on Action on Elder Abuse go to website: www.elderabuse.org.uk
2. Solicitors for the Elderly (SFE) is an independent, national organisation of lawyers, such as solicitors, barristers, and legal executives who are committed to providing the highest quality of legal advice for older and vulnerable people, their families and carers. The main areas of law members cover are: Estate and tax planning using wills, trusts and lifetime giving; Giving Powers of attorney and Court of Protection work; Probate and the administration of estates; Trusts administration; Living Wills; Information on home care; Preserving assets in the event of long term residential or nursing care; Care home contracts; Advice on financial responsibility and funding criteria for long term care; State benefits; Home equity release plans; Mental Health legislation; Elder abuse
3. While Child Protection, domestic violence, forced marriage and the protection of animals, are addressed through legislation, this is not the case with adults who are at risk of abuse. Guidance called No Secrets was introduced in 2000 under section 7 of the Local Government Act to set up systems and processes for the protection of adults. This is only binding in a limited way upon Local Government and no other agency, has no ring fenced funding, and has failed to ensure agencies cooperate or share information. In a number of serious cases it has failed to provide protection (see below), and all key statutory and voluntary organisations publicly acknowledge it needs updating, backed by legislation.

4. The UK Study into the Abuse and Neglect of Older People was published on 14 June 2007. It was funded by the Department of Health and Comic Relief and was undertaken by the National Centre for Social Research (the largest independent social research institute in Britain with an international reputation for conducting high quality social surveys) and King's College London (one of the top group of universities for research earnings and a member of the Russell Group, a coalition of the UK's major research-based universities). The research identified significant elder abuse within older people's own homes (4% of those aged 66 years and over - equating to 342,000 people), often perpetrated by members of their own family. There were clear differences of prevalence between Nations: Wales 6%; Scotland 4.3%; England 3.9%; and Northern Ireland 3%. A copy of the AEA Briefing paper is available from <http://www.elderabuse.org.uk/Prevalence/Briefingpaperprevalence.pdf>
5. In 2009 AEA produced a report^[1] showing that on average, less than one in ten of older people experiencing elder abuse are actually supported by the systems set up to protect them. The analysis of nearly one hundred Local Authority systems designed to intervene and protect adults at risk of abuse showed that, in some areas, the situation was even worse, with less than 2% of estimated elderly victims receiving such support.