



THIRTY YEARS OF ADULT SAFEGUARDING

THIRTY YEARS OF AEA/HOURLASS

Thirty Years of Adult Safeguarding

Introduction

THIRTY YEARS OF AEA/HOURLASS AND THIRTY YEARS OF ADULT SAFEGUARDING.

Hourglass (Safer Ageing) is the only UK-wide charity supporting older victim-survivors of abuse. Originally constituted as Action on Elder Abuse, the charity was founded in 1993 with discussions about the need for such an organisation underway as early as ten years previously.

The overarching principle of the charity is that older people experience the same forms of harm and abuse as all other demographics, including financial/economic, physical, sexual and psychological abuse as well as neglect and discrimination. The organisation seeks to protect and support older people at such times of need.

In 1993, Action on Elder Abuse (AEA) was founded and launched by Professor Gerry Bennett, a pioneering and forward-thinking geriatrician who devoted his professional and personal life to the care of older people. He was joined by Paul Kingston and Bridget Penhale in shaping the charity's mission. Also heavily involved from the start was Sally Greengross, who in 1993 was Director of Age Concern England. Sally, who became Baroness Greengross of Notting Hill, saw the need for a charity that specialised in supporting older victim-survivors of abuse and served as its Patron until her death in June 2022.

The charity was the first and still remains the only organisation of its kind in the UK focused exclusively on working to protect and prevent abuse and violence against older adults. The organisation's aim was to challenge the abuse of older people, and influence the experience of other adults at risk of abuse, by raising awareness, seeking to raise standards of care, influencing the development of health and social care policy, providing training, and working with the media.

There were early highlights that helped create a platform for the fledgling charity, including holding the first national conference on the subject of the abuse of older people in Lancaster in 1993 which attracted 90 delegates; the first leaflet - Elder Abuse in Care Homes – was produced and distributed across the UK in 1994; the pilot helpline was set-up in 1995 and received 550 calls with 315 relating to specific incidents of abuse; a Scottish practitioner network was set up in 1996 to develop multi-agency policies and procedures to protect vulnerable older people from abuse and by 1998 this had spread to Wales, Northern Ireland, London, North West and South East England; by 2001 the charity had received 5,000 calls and was now a fully UK-wide resource.



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One of the biggest changes in the charity came in 2020 when Action on Elder Abuse rebranded as Hourglass. The modernised charity continues to build on the essential work to protect and help older victim-survivors that began in 1993 and the overall vision remains the same.

A new Blueprint strategy was unveiled in 2019/20 which adopted the use of 'Safer Ageing' as a concept. The notion of safer ageing is defined as creating an environment where older adults can live with dignity, security, and without fear of mistreatment or harm. But it doesn't stop there. Safer Ageing also means the need for societal, legal, and cultural changes that foster an environment where older individuals are respected, protected, and supported in living fulfilling lives as they age. This framework led to the creation of Safer Ageing Week in 2020 and a series of Safer Ageing Indexes that began in 2022 with a Northern Ireland index and similar documents for Wales and London launched in 2023.

The charity has long trailblazed and remains truly unique in many ways. Not only does it operate the first dedicated helpline to assist older victim-survivors of abuse and violence and their families, but in 2022 this became a 24/7 helpline. This is complimented by an online Instant Messenger service, a chatbot, SMS function and Europe's only Knowledge Bank entirely focused on information, research, advice and contacts relating to the abuse of older people.

Hourglass developed a casework service in 2021, initially in Scotland but soon stretching across the whole of the UK, which became the Community Response Service. This initiative, which provides tailored casework support for older people in a multi-agency context, then led to the roll out of Independent Domestic Violence Advocates (IDVAs) and Domestic Abuse support workers, in partnership with Police and Crime Commissioners in England and Wales. The charity expects its impacts and outcomes to hit 50,000 annually by 2024.

However, as much as AEA/Hourglass has grown and evolved over the last 30 years, so has adult safeguarding and the challenges in protecting older people from abuse and neglect. This document looks at these challenges and definitions in the light of Hourglass's thirty years working in the sector.

"Safeguarding means protecting an adult's right to live in safety, free from abuse and neglect. It is about people and organisations working together to prevent



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and stop both the risks and experience of abuse or neglect, while at the same time making sure that the adult's wellbeing is promoted including, where appropriate, having regard to their views, wishes, feelings and beliefs in deciding on any action.”¹

All four nations of the UK have taken a general approach to protection, with adult safeguarding concerning all abuse of adults who might be considered ‘at risk’. As such the legal and policy frameworks also cover the needs of those older adults experiencing abuse or neglect that other jurisdictions might legally classify as ‘elder abuse’. As an area of devolved administration, the frameworks for adult protection are different in each nation of the UK and this has created inequalities in the effectiveness of practice.



Thirty Years of Adult Safeguarding England



The concept for adult safeguarding in England and Wales arose as a result of **No Secrets: guidance on developing and implementing multi-agency policies and procedures to protect vulnerable adults from abuse**. A similar document was produced in Wales; **In Safe Hands: Implementing adult protection procedures in Wales**.

The stated aim of No Secrets, developed after a series of abusive cases of disabled adults in the Reading area was “To create a framework for action within which all responsible agencies work together to ensure a coherent policy for the protection of vulnerable adults at risk of abuse and a consistent and effective response to any circumstances giving ground for concern or formal complaints or expressions of anxiety.”²

SEXUAL OFFENCES ACT 2003

The Sexual Offences Act (SOA) 2003 updated the law by prohibiting any sexual activity between a care worker and a person with a mental disorder while the relationship of care continues.

A ‘relationship of care’ exists where one person has a mental disorder and another person provides care. It applies to people working both on a paid and an unpaid basis and includes:

- doctors
- nurses
- care workers in homes
- workers providing services in clinics or hospitals
- volunteers.³ www.wearehourglass.org



Thirty Years of Adult Safeguarding England



MENTAL CAPACITY ACT 2005

The Mental Capacity Act (2005) (MCA) received royal ascent on 7th April 2005 and was implemented in 2007. It provides a legal framework for people aged 16 and over who do not have the mental capacity to make decisions for themselves. The MCA is designed to protect and restore power to those vulnerable people who lack capacity.

The Act starts by outlining five key principles, intended to support and enable those lacking mental capacity. Under the Mental Capacity Act, one is required to assess capacity before starting any treatment or operation.

This involves a two-step functional assessment process:

- **Step One** – Is there an impairment of, or disturbance in the functioning of a person's mind or brain?
- **Step Two** – Is the impairment or disturbance sufficient that the person lacks the capacity to make a particular decision?⁴

The Act states that an inability to

- understand relevant information.
- retain that information.
- use or weigh the information as part of the process of decision making; or
- communicate the decision (this was not specifically a requirement at common law)

leads to the conclusion that one is not able to decide for himself or herself and therefore lacks capacity.⁵



Thirty Years of Adult Safeguarding England



THE CARE ACT 2014

The Care Act 2014 (section 42) requires that local authorities, where there is reason to suspect that an adult in its area who has needs for care and support, is experiencing or at risk of abuse or neglect, and is unable to protect themselves, the local authority must make enquiries into the case.

The Act specifies further that abuse includes financial abuse, including theft, fraud, pressure, and misuse of funds or property.

The Care Act 2014 also places a general duty on local authorities to promote the wellbeing of individuals when carrying out care and support functions.

- The definition of wellbeing includes:
- personal dignity including treating individuals with respect
- physical and mental health and emotional wellbeing
- protection from abuse and neglect
- control by the individual over day-to-day life
- participation in work, education, training or recreation
- social and economic wellbeing
- domestic, family and personal relationships
- suitability of living accommodation
- the individual's contribution to society.

Hourglass in England

Hourglass believes in the urgent need for a designated Commissioner for Older People to spearhead a government strategy on tackling the abuse of older people.

The charity has also challenged the Domestic Abuse Commissioner for England and Wales to begin asserting influence to create a Violence Against Older People strategy and mirror the encouraging achievements of the Violence Against Women and Girls strategy (VAWG).

We aim to work towards uniformity across police constabularies over the recording of, and access to, data concerning crimes against older people.



Thirty Years of Adult Safeguarding Scotland



THE ADULT SUPPORT AND PROTECTION (SCOTLAND) ACT 2007

The Adult Support and Protection (Scotland) Act 2007 (henceforth the ASPSA) delivered substantial health and social care reform for the protection of vulnerable adults. As Kathryn Mackay notes, the APSSA grew out of the Scottish Law Commissions 1997 “Report on Vulnerable Adults,” a wider UK based motivation for the transformation of social care provision, and from a need to fill a gap between general welfare law and mental health and mental capacity law.⁶

Wider Scotland based motivation for reform emerged because of a number of cases regarding adults with learning difficulties who were left in abusive conditions, (see the Scottish Borders 2002 case of Miss X)⁷ as well as systemic problems within health and social care agencies including the inappropriate investigations of serious allegations of abuse, as well as lack of information sharing and cooperation between organisations.⁸

The ASPSA introduces new measures to identify and protect individuals who fall into the category of adults at risk. These measures include:

- “Placing a duty on councils to make the necessary inquiries and investigations to establish whether or not further action is required to stop or prevent harm occurring;
- A requirement for specified public bodies to co-operate with local councils and each other about adult protection investigations;
- A range of protection orders including assessment orders, removal orders and banning orders; and,
- The establishment of multi-disciplinary Adult Protection Committees.”⁹ www.wearehourglass.org



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The act defines what is meant by the term “harm” as including all harmful conduct and, in particular:

- “Conduct which causes physical harm;
- Conduct which causes psychological harm (e.g. by causing fear, alarm or distress);
- Unlawful conduct which appropriates or adversely affects property, rights or interests (e.g. theft, fraud, embezzlement or extortion); and
- Conduct which causes self-harm.”¹⁰

Section 4 of the Act places a duty on councils “to make inquiries about a person’s well-being, property or financial affairs if it knows or believes that:

- The person is an adult at risk; and,
- That it might need to intervene (under the Act or otherwise) in order to protect the person’s well-being, property, or financial affairs.

Hourglass in Scotland

The Scottish framework around the abuse of older people and adult protection was pioneering for many years - both in terms of legislation and attitudes. It was pioneering in 2007 when it was the first nation to give social workers power of entry to investigate suspected abuse of older people. But the charity believes that leading role has significantly diminished in recent years.

Core issues include: poor data collection by Police Scotland and the safeguarding sector of crime committed against older people; the abolition of the Older Peoples’ Minister and the lack of an Older Peoples’ Commissioner in Scotland; the slow role out of core initiatives like ‘Ask for Ani’; the lack of a strategy to tackle Economic Crime in Scotland and the narrow definition of Domestic Abuse in the Scottish legislation.

This currently only includes intimate partners and not close family members as it does in England, Wales and Northern Ireland. Further discussion of these issues are contained in Scotland: [Issues and Movements Concerning Safer Ageing](#).



Thirty Years of Adult Safeguarding Wales



Building off of issues raised in the 2011 White Paper **Sustainable Social Services for Wales: A Framework for Action**, the Social Services and Wellbeing (Wales) Act 2014 aims to provide the legal framework for improving the well-being of people who need care and support, and protecting those at risk of abuse and neglect.

The fundamental principles of the Act are:

Voice and control – putting the individual and their needs, at the centre of their care, and giving them a voice in, and control over reaching the outcomes that help them achieve well-being.

Prevention and early intervention – increasing preventative services within the community to minimise the escalation of critical need.

Well-being – supporting people to achieve their own well-being and measuring the success of care and support.

Co-production – encouraging individuals to become more involved in the design and delivery of services.¹¹

Hourglass in Wales

Hourglass will continue to lobby and influence the legal and criminal justice framework and the Welsh Government to protect older people from abuse and create a national conversation around safer ageing, building on the work of 2023's Safer Ageing Index.

We will continue to tailor the way we communicate all campaigns and services to Welsh audiences, with a commitment to investing in our Helpline to ensure the availability of a bilingual service.

We aim to shed light on institutional barriers to services for minority group older people in Wales by bringing together a diverse portfolio of case studies.

The charity will also use the newly announced Community Response hub in Wales for economic abuse as a beacon for other services and look to invest more learning in this approach.



Thirty Years of Adult Safeguarding Northern Ireland



Northern Ireland's adult safeguarding is implemented under national policy, the most recent guidance is **Adult Safeguarding: Prevention and Protection in Partnerships (2015)**. The aim of this policy and guidance includes a zero-tolerance view of harm and abuse towards all adults, promoting clear guidance to reporting aspects of harm, promoting access to justice for victims of harm, and promoting informed choices and multi-organisational working.¹²

In 2020, the government of Northern Ireland began a consultation process regarding the layout of a proposed Adult Protection Bill for Northern Ireland. Some of the ideas consulted within this document include:

- Statutory provision for independent advocacy
- Establishment of Adult Protection Boards
- Introduction of Serious Case Reviews
- Introduction of a duty to report
- New powers of entry for HSC professionals
- Introduction of a duty to cooperate.

Unfortunately, due to disagreements on power sharing and the subsequent suspension of the Northern Ireland Assembly, the proposed adult protection bill for Northern Ireland has not evolved any further.

Hourglass in Northern Ireland

We will work with all sectors, providers and influencers to capitalise on the wide impact of recent safeguarding investigations and reports, and further shed light on the hidden abuse of older people both in institutions and within their own homes.

Hourglass will develop traction when the Northern Ireland Assembly and Executive restarts to achieve our primary goal of implementing an Adult Safeguarding Bill, bringing Northern Ireland in line with legislative protections across the wider UK.

We will also seek to build an alliance with the Northern Ireland Assembly to underline the unique nature of our work and, in turn, locate funding in the nation which has been sadly lacking in the ten years since we began work in Northern Ireland.



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Conclusion

Much like AEA/Hourglass itself, legislation and movements around adult safeguarding have greatly evolved since 1993. The legislation as it has been developed has provided a bulwark against forms of harm, violence, and abuse – and a means for older adults to access support. However as explained above, the frameworks for adult protection are different in each nation of the UK and this has created inequalities in the effectiveness of practice.

As such, there are definite areas where Hourglass seeks improvement in adult safeguarding legislation. A key example is the differences in legislation concerning powers of entry for social workers. Under England's Care Act (2014), the local authority is under a legal duty to investigate abuse; social workers are not granted any powers emerging from this duty.

The present policy in Northern Ireland stipulates some duties in respect to an adult at risk, but these lack legal basis and any corresponding powers are located in other welfare, civil and criminal legislation protecting members of the public. In Wales, the duty on local authorities to make enquiries is reinforced by a power of entry, granted via an "Adult Protection and Support Order", for practitioners to speak in private with adults suspected of being at risk of abuse.

The Scottish Act codifies the widest range of powers corresponding to duties in statute on local authorities to make enquiries and to provide services. These include powers to carry out visits, conduct interviews, and to require records to be produced where financial abuse is suspected. Additionally, "Protection Orders" can be granted to remove the adult for private interview or medical examination, removal of the adult for protection and banning the subject of the order from being in a specific place.

In considering the frameworks in place in England, Scotland, Northern Ireland and Wales, it stands out that social workers in England and Northern Ireland do not have the power to access an adult at risk for a private interview. This poses an issue in the circumstance where abuse is suspected, and as such the local authority pursues an investigation, but the adult in question is experiencing coercive control thus impacting their capacity to participate in the adult safeguarding process. This occurrence, known as 'hindering', impacts adult protection.

The charity has proven in the thirty years since its establishment that it can use innovative means to help save and change lives. However, the organisation has all too often been locked out of key governmental meetings and consultations where it is perceived that larger organisations with greater profile can offer specialist advice. The strength of Hourglass, both in 1993 and 2023, remains its independence and uniqueness. The charity can lobby and advise; it can support and call out poor performance; it can build innovation singularly or work as part of a broad coalition and, most importantly, it exists solely for



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those older victim-survivors and does not look to diversify or mission creep. However, whilst the organisation is enjoying recognition and support from a swathe of UK organisations and governmental departments, there is still the mistaken belief that the abuse of older people is a niche issue. And that remains difficult to swallow with victim numbers growing and research underlining 1 in 6 older people are affected by the issue.

In the coming years Hourglass hope to see further strengthening on adult safeguarding legislation and provision of support services for older victim-survivors. Coupled with this, it is important for governments in every nation to work in partnership with Hourglass to raise awareness of the need for safer ageing policies and practices. Only with this support, understanding and comprehension of the scale of the problem, will we ever achieve a Safer Ageing Society, which remains the ultimate goal.



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1 The Care Act 2014 <https://www.legislation.gov.uk/ukpga/2014/23/contents/enacted>

2 No Secrets 2000 No Secrets: guidance on protecting vulnerable adults in care - GOV.UK (www.gov.uk)

3 Sexual Offences Act 2003 <https://www.legislation.gov.uk/ukpga/2003/42/contents>

4 <https://www.scie.org.uk/mca/practice/assessing-capacity>

5 C. Johnston and J. Liddle, "The Mental Capacity Act 2005: a New Framework for Healthcare Decision Making," *Journal of Medical Ethics* 33, no. 2 (January 2007): pp. 94-97, <https://doi.org/10.1136/jme.2006.016972>

6 K Mackay and M Notman, "Adult Support and Protection (Scotland) Act 2007: Reflections on Developing Practice and Present Day Challenges," *The Journal of Adult Protection* 19, no. 4 (2017): , doi:10.1108/jap-04-2017-0017.

7 In March 2002, a woman with learning disabilities was admitted to Borders general hospital having suffered extreme levels of physical and sexual abuse within her household over a 30-year period. Key issues with social work services and authorities were found including, very poor standards of case recording, failure to consider statutory interventions at appropriate stage, lack of compliance with procedures and failure to investigate serious allegations of abuse. For more information see: <https://www.gov.scot/Publications/2004/05/19280/36168>

8 K Mackay, "The Scottish Adult Support and Protection Legal Framework," *The Journal of Adult Protection* 10, no. 4 (2008): , doi:10.1108/14668203200800023.

9 The Adult Support and Protection Act 2007
<https://www.legislation.gov.uk/asp/2007/10/part/1/crossheading/adult-protection-committees>

10 <https://www.angus.gov.uk/sites/angus-cms/files/2017-08/Adult%20Protection%20Committee%20MultiAgency%20guidance.pdf> 7

11 Social Services and Well Being (Wales) Act 2014
<https://www.gov.wales/sites/default/files/publications/2019-05/social-services-and-well-being-wales-act-2014-the-essentials.pdf>

12 Adult Safeguarding: Prevention and Protection in Partnerships (2015).
<https://www.health-ni.gov.uk/sites/default/files/publications/dhssps/adult-safeguarding-policy.pdf>





Hourglass

Safer Ageing • Stopping Abuse

You can contact us in many ways:

24/7 Helpline: 0808 808 8141

Our helpline is entirely confidential and free to call from a landline or mobile, and the number will not appear on your phone bill.

Text message: 07860 052906

Texts from outside the UK will be charged at their standard international rate which will differ depending on location and service charges of your phone provider. The number will appear on your bill and in your phone records but will not be identified as Hourglass.

INSTANT MESSAGING service: www.wearehourglass.org

Get information from our CHATBOT - www.wearehourglass.org

Get information from our KNOWLEDGE BANK - knowledgebank.wearehourglass.org

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