POLICY

BEYOND PARTNERS:



How Scotland's Domestic Abuse Law Leaves Older People Behind

Hourglass
Safer Ageing • Stopping Abuse

Beyond Partners: How Scotland's Domestic Abuse Law Leaves Older People Behind

Hourglass is calling on the Scottish Government to review the Domestic Abuse (Scotland) Act 2018 and extend the offence to cover all forms of abuse by a family member, including an adult son, daughter or grandchild. We also want Ministers to examine how Scotland protects older people from abuse by someone outside their family who provides care or holds a position of trust, including guardians and attorneys. Older people should not have less protection because the person abusing them is their adult child rather than their partner. Yet current Scottish legislation makes exactly this distinction.

Consider an older woman whose son takes control of her bank card, monitors her phone calls and decides who can visit her. If her partner treated her this way, the police could investigate the pattern of behaviour under the 2018 Act. Because the person controlling her is her son, that offence is unavailable. Yet the effect on her daily life, down to whether she can buy her own shopping or speak to a friend in private, can be much the same.

Across the UK in 2025/26, adult children were the most reported perpetrators in cases where our Helpline and frontline services knew the relationship between the older person and the perpetrator, accounting for 38% of those cases. Family members, including adult children, accounted for 54% of alleged perpetrators. These figures represent people who used Hourglass services, and they show why the scope of the law is a concern for the charity and for older victim-survivors of harm, abuse, exploitation and neglect.

According to figures from Police Scotland, in the five years from 2020/21 to 2024/25, 61 people aged 55 and over were victims of solved homicides in Scotland. The main accused was the victim's son or daughter in 11 cases (18%), another relative in six (10%), and a partner or ex-partner in five (8%). In the latest five-year period, from 2021/22 to 2025/26, the main accused was a son or daughter in seven cases (11%), another relative in six (10%), and a partner or ex-partner in eight (13%). Although the numbers are small, **in both periods more victims in this age group had a relative other than a partner or ex-partner as the main accused.**

These figures underline why any review of Scotland's domestic abuse law should consider the risks older people face from members of their own family.[1]

Who the law covers

In 2014, Scotland's then Solicitor General, Lesley Thomson QC, called for a specific domestic abuse offence. Her experience as a prosecutor was that a focus on individual assaults or threats could miss what it was like to live with abuse over months or years.

The Scottish Parliament unanimously passed the Domestic Abuse (Scotland) Bill in February 2018. Professor Evan Stark, whose work helped establish the concept of coercive control, described the legislation as a "gold standard".[2,3]

Section 1 of the Act makes it an offence to engage in a course of abusive behaviour towards a partner or ex-partner. A reasonable person must consider the behaviour likely to cause physical or psychological harm. The perpetrator must intend to cause that harm or be reckless about whether it occurs. The offence can encompass a partner's repeated efforts to isolate someone from friends, control their day-to-day activities or make them dependent. A court can consider how those actions fit together, including where there has been no physical assault.[4]

Police Scotland and the Crown Office and Procurator Fiscal Service also use a shared definition for recording domestic abuse. It covers physical, verbal, sexual, psychological and financial abuse that might amount to criminal conduct, whether it happens at home, elsewhere or online. The same relationship boundary applies. If someone reports that their adult daughter controls their money and threatens them when they try to see friends, that report falls outside the police definition of domestic abuse.[5]

HOW THE REST OF THE UK APPROACHES ABUSE WITHIN FAMILIES

In England and Wales, the Domestic Abuse Act 2021 defines domestic abuse between people aged 16 or over who are personally connected. That includes relatives, as well as current and former intimate partners. The definition covers a single incident or a course of behaviour and includes economic abuse alongside physical, sexual, threatening, controlling, coercive, psychological and emotional abuse. This is a statutory definition used across the Act. A criminal charge depends on the conduct and the offence in question.[6]

Northern Ireland's legislation takes a different route to a similar point. Its domestic abuse offence can apply to a course of abusive behaviour between family members, including an adult child and a parent. Both comparisons show what Scotland could change for older people experiencing abuse within their families.

Why Scotland chose a different definition

In 1998, the Scottish Office established the Scottish Partnership on Domestic Abuse. Scottish Women's Aid and the Scottish Rape Crisis Network helped shape its work, drawing on the experience of women subjected to violence and control by male partners.

By 2000, Scotland's first national strategy explicitly linked domestic abuse to wider gender inequality and to the greater power historically afforded to men. That understanding has shaped Scottish policy ever since.[7,8]

The scope of the offence was debated as the Scottish Government consulted on reform from 2015 and as the Bill went through Parliament in 2017. There were three main arguments for limiting the offence to partners and ex-partners:

- **It would keep criminal law consistent with existing Scottish policy.**
- **A clearly defined offence would give police, prosecutors and specialist services a common focus.**
- **It would recognise the particular ways men can use power and control against women in intimate relationships.[9]**

Anne Marie Hicks, then National Procurator Fiscal for Domestic Abuse, told the Justice Committee that widening the definition risked diluting its meaning and seriousness.

Scottish Women's Aid also wanted to retain the focus on gender. Research by Leah McCabe records a concern among women's organisations that treating different forms of family violence together could obscure what women experience at the hands of partners.

These arguments help explain the choice Parliament made and deserve a hearing in any review.[10,11]

Whose experiences were left out

Other witnesses drew Parliament's attention to the people a partner-only offence would leave out. Hemat Gryffe from Women's Aid highlighted abuse by immediate and extended family members in cases of so-called "honour"-based abuse.

Some children's organisations questioned how the Bill would recognise the harm experienced by children. Hourglass, then known as Action on Elder Abuse, gave evidence about older people abused by relatives and how rarely that abuse reached the courts. Our then trustee Ronnie Barnes asked the Committee: "if this is not the right Bill what is?"[12,13]

Our concern remains the same. An older woman might rely on her son to collect her medication and do her shopping. If he takes her bank card, prevents her from seeing friends and threatens to withdraw that help when she objects, each act gives him more control over her. Were her partner to behave in this way, police could consider the whole course of behaviour under the 2018 Act. Because he is her son, that particular offence is unavailable.

Scotland does have other means of responding. Under the Adult Support and Protection (Scotland) Act 2007, councils must make enquiries where they believe someone is an adult at risk and that intervention may be needed to protect them. The Act provides for assessment, removal and banning orders. Police can also investigate individual offences such as assault or theft. An older person may need both the practical protection a council can offer and a criminal investigation that recognises how someone has come to control their life.[14]

The definition also shapes what Scotland counts. A crime by an adult child may appear in police figures for assault or theft, while falling outside the published domestic abuse totals. That makes the experience of older women and men abused by relatives harder to see in those figures. It also limits comparisons with England, Wales and Northern Ireland, where the relationships covered are wider.[15]

A roadmap for reform

Scotland led the way in recognising how a pattern of abuse can take away someone's independence. Now, Hourglass is asking Scottish Ministers to meet older victim-survivors and the organisations that support them, and build on that achievement, beginning with abuse within the family.

1. Extend the domestic abuse offence to family members

The Scottish Government should bring forward legislation to extend the offence under the 2018 Act to those who are personally connected, including relatives and adult sons and daughters. This would allow police and prosecutors to consider the whole course of behaviour when a relative uses threats, isolation or control over money to dominate an older person's daily life. Ministers should work with older victim-survivors and domestic abuse services on implementation, including how to retain specialist support for women experiencing abuse by a partner or ex-partner.

2. Review protection where someone outside the family abuses a position of trust

Ministers should examine what happens when an older person reports abuse by a paid or unpaid carer, guardian or another person they rely on. If a carer repeatedly threatens to withhold essential help unless an older person gives them money, can they report it safely, get the care they need and have the pattern investigated? Hearing from older people and tracing how councils, care providers and police responded in actual cases would help establish where practice needs to change and whether further legislation is needed.

3. Strengthen safeguards and sanctions for misuse of Powers of Attorney

Whether an attorney is a relative, a friend or a professional, a single unauthorised transfer can put an older person's home or savings at risk. Alongside reform of the domestic abuse offence, Ministers should review the safeguards in the Adults with Incapacity (Scotland) Act 2000. The review should examine how quickly an attorney's powers can be restricted when concerns arise, what help the older person can get to recover losses and whether stronger sanctions are needed where an attorney deliberately exploits their position.

Hourglass supports Sareeta McLachlan's petition PE2257, Expand Scottish domestic abuse law to protect adults from non-partner coercive control. We are asking MSPs to back the petition and press ministers for a commitment to the first reform: bringing abuse by family members within the scope of the 2018 offence.

The impact on older victim-survivors

The current definition not only limits older victims-survivors who have suffered violence and abuse from family members from accessing justice, it sets an unequal idea of legitimacy and builds a hierarchy of victim-survivors.

This has the possibility to increase real world harm, with bystanders or concerned others not recognising the need to report abuse by family members, instead viewing it as a private matter. Older adults themselves may also not see themselves as victim-survivors or may be reluctant to speak up about an adult child perpetrating abuse, for fear of a lack of action or understanding.

Like abuse by an intimate partner, abuse by a family member leaves deep mental and psychological marks, and the trauma inherent from the act may last for years, impacting recovery and future relationships. It is just as important to recognise this and allow older victim-survivors the essential justice and support that they need for domestic abuse involving either family or intimate partners.

Conclusion

Scotland's 2018 Act gave police and prosecutors a way to recognise the cumulative harm of coercive control in an intimate relationship. That achievement offers a starting point for reform. Adult sons and daughters are the people most often reported to Hourglass's UK services as causing harm to an older person, and Scotland's own homicide figures show the risks older people can face within their families. Yet when a relative subjects an older person to a sustained pattern of abuse, the relationship itself puts that conduct outside the domestic abuse offence.

The first step is to extend the offence to family members. Alongside that change, ministers should examine how older people can get protection when a carer abuses their trust and whether stronger safeguards and sanctions are needed when an attorney misuses their powers. Hourglass is asking the Scottish Government to bring forward legislation so that older women and men who report abuse by a relative can have the full course of that abuse recognised in law.

1. Hourglass analysis of Scottish Government, Homicide in Scotland 2024–25 and Homicide in Scotland 2025–26, Table 9 in each publication. The two periods overlap by four years.

2. The Scottish Centre for Crime and Justice Research (2022). Domestic Abuse (Scotland) Act 2018 and the Criminal Justice System Women's experiences two years in; the emerging findings.

3. Marsha Scott (2020) The Making of the New 'Gold Standard': The Domestic Abuse (Scotland) Act 2018 in Criminalising Coercive Control

4. Domestic Abuse (Scotland) Act 2018https://www.legislation.gov.uk/asp/2018/5/contents

5. Scottish Government (2023) Domestic Abuse (Scotland) Act 2018: interim reporting requirement. https://www.gov.scot/publications/domestic-abuse-scotland-act-2018-interim-reporting-requirement/pages/4/

6. Domestic Abuse Act 2021,https://www.legislation.gov.uk/ukpga/2021/17/contents/enacted

7. Marsha Scott (2005), Partnership, power and policy: A case study of the Scottish Partnership on Domestic Abuse. PhD University of Edinburgh. 80

8. Quoted in Centre for Research on Families and Relationships (2013). Domestic Abuse and Gender Inequality: An overview of the current debate.

9. Scottish Parliament Justice Committee, (2017): 23).

10. The Scottish Parliament Justice Committee, (2017). Stage 1 Report on the Domestic Abuse (Scotland) Bill, 16th Report 2017 (Session 5). 24

11. Leah McCabe (2024), An intersectional analysis of contestations within women's movements: the case of Scottish domestic abuse policymaking. Policy Press. 52, 3.

12. The Scottish Parliament Justice Committee, (2017). Stage 1 Report on the Domestic Abuse (Scotland) Bill, 16th Report 2017 (Session 5). 24

13. Scottish Government (2017), Domestic Abuse (Scotland) Bill: Equality Impact Assessment, section on race.

14. Adult Support and Protection (Scotland) Act 2007, https://www.legislation.gov.uk/asp/2007/10/contents

15. Scottish Government (2026), Domestic abuse: statistics recorded by the police in Scotland, 2024–25.

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COMMUNITY FUND

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