



'They don't want to be a bother.
They don't want to be a burden':

Improving Justice Outcomes for Older People



Policy Brief

'They don't want to be a bother. They don't want to be a burden' : Improving justice outcomes for older people.

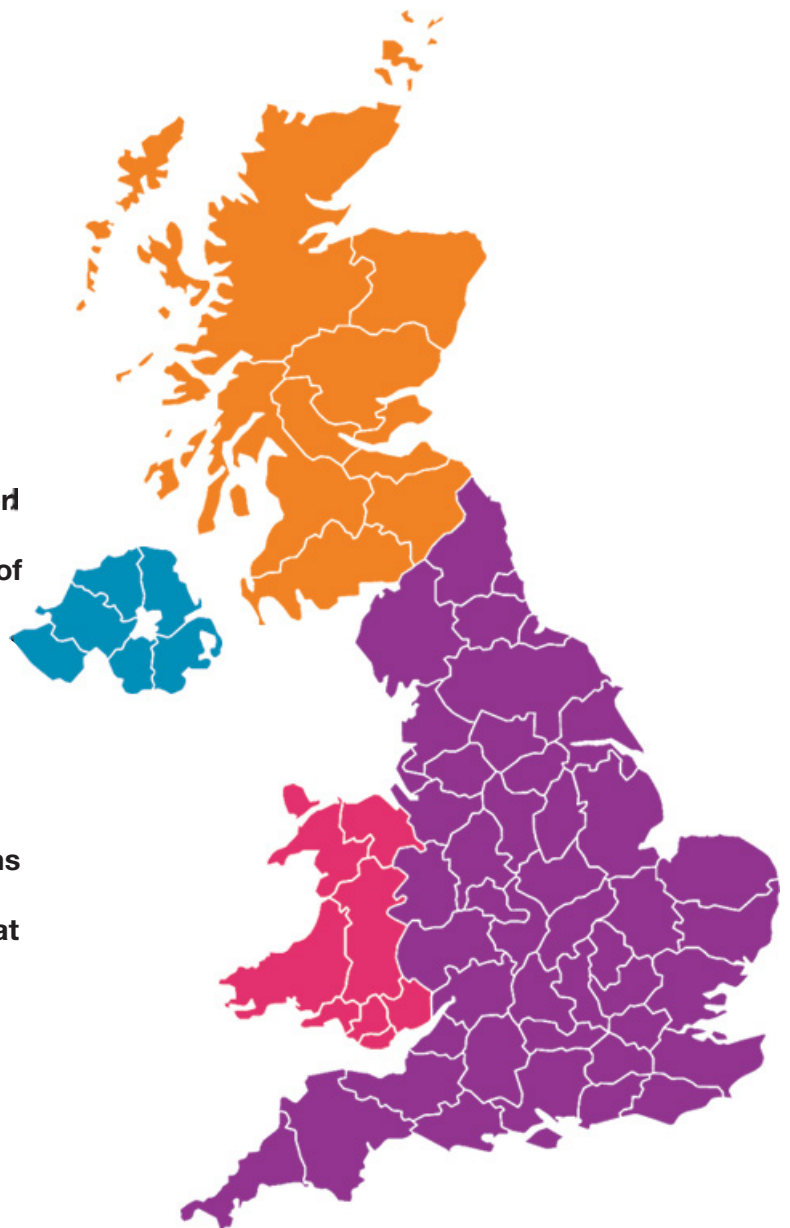
Policy Brief

Key Issues:

The current UK criminal justice system is failing to account for the needs and vulnerabilities of older people.

While the Code of Practice for Victims of Crime (England and Wales), Victims' Code for Scotland and Victims Charter (Northern Ireland) give equal rights to all adult victims of crime, much more needs to be done to address where vulnerability intersects with perceptions of age and ageing in order to achieve better outcomes for older people.

Criminal justice outcomes for all older victims of crime need to be improved. The current system deters and intimidates older people at all stages of the process, from reporting and investigation through to prosecution and sentencing.



Recommendations:

Call for an investigation into older people's experiences of victim support. Press the UK Government to take account of the evidence of barriers to older people in the judicial and justice system.

Call on the National Police Chief's Council to implement the recommendations of the HM Inspectorate of Constabulary and Fire & Rescue Services and HM Crown Prosecution Service Inspectorates joint report to improve the understanding of crimes against older people.

Call on the Crown Prosecution Service to implement the recommendations of the HM Inspectorate of Constabulary and Fire & Rescue Services and HM Crown Prosecution Service Inspectorates joint report to improve the understanding of crimes against older people.

Executive Summary:

To tackle abuse of older people, criminal justice outcomes for all older victims of crime need to be improved. The system as it stands creates a vicious circle which deters older people from participating in criminal justice procedures.

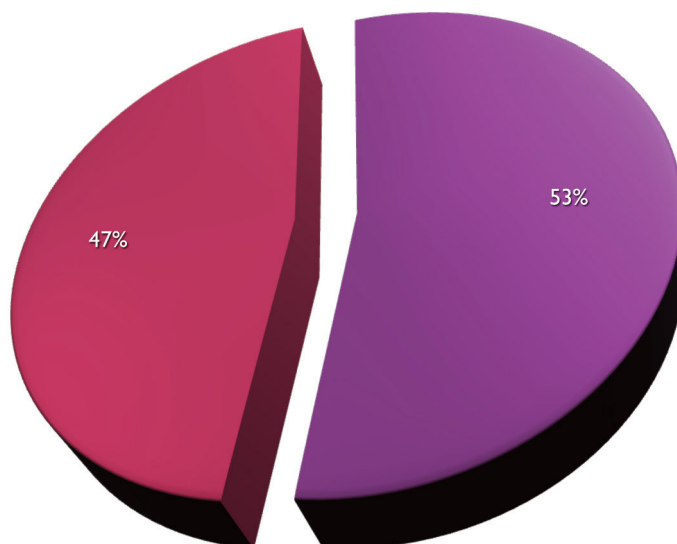
There are significant barriers to older people at all stages of the 'traditional' criminal justice process: reporting, investigation, prosecution, and sentencing. These barriers are rooted in prejudicial beliefs in the real or perceived vulnerability of older people by those professionals working with older people and by older victims themselves.

The policy recommendations seek to improve criminal justice outcomes for older people by making equal access to justice a priority in the four nations of the UK and to urgently implement the recommendations from exiting reviews that have found older people disadvantaged in criminal justice processes.

Scope of Problem:

There is substantial evidence of the barriers faced by older victims of crime.² The HM Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) and HM Crown Prosecution Service Inspectorates (HMCPSI) joint report into the work of the police and the Crown Prosecution Service (CPS) in relation to crimes against older people demonstrates this in England and Wales. The report concluded older victims of crime are "the poor relation" when it comes to the criminal justice system. It found the police had only a "superficial understanding" of crime against older people and no clear strategy for tackling it. It also strongly criticised the lack of joined-up working with the CPS and inconsistent interpretation of adult safeguarding legislation. In over half (53%) of cases the Inspectorates looked at in detail, victim care was found to be "not good enough".³

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Additionally, an academic study into access to procedural justice in Northern Ireland found that the criminal justice system was failing to adequately consider the additional needs of older people.⁴ This paper used data, unique to the Police Service Northern Ireland (PSNI), to compare outcomes rates by age of the victim.

Both reports identified barriers experienced by older victims, including fear of being a burden, fear of retribution, and fear of increased isolation or breakdown of support networks⁵. Particularly striking is a comment from a PSNI Focus Group participant interviewed by Brown and Gordon, speaking about older victims of abuse:



Older victims of crime are caught in a vicious circle: reticence, driven by fear, to participate in criminal justice processes contributes to poor institutional knowledge of the nature of crimes against older people and thus to poor application of measures in place to protect victims with additional vulnerabilities. The result of this is poor outcomes, and the public discourse surrounding this – often disseminated by tabloid newspapers – increases older victims' reticence to participate.

The barriers identified in the literature on crimes against older people, coalesce around the idea of fear.⁷ The fear experienced by older victims is directed both at harm resulting from crime but also at ideas of further harm in the fallout from engaging with criminal justice processes.

Older victims of all crime - particularly abuse - have been evidenced to be marginalised by the criminal justice process. The particular characteristic of abuse of older people – the violation of a relationship of trust – requires a policy response that centres harm reduction such that it can disrupt the vicious circle experienced by older victims of crime. To do this, justice agencies must work to improve outcomes for older people.

Hourglass' Position:

Older victims of abuse face barriers to accessing criminal justice procedures and experience worse outcomes than younger victims. The current UK criminal justice system is failing to account for the needs and vulnerabilities of older people, and decision-makers must be influenced to address this different in victims' needs. While the Code of Practice for Victims of Crime (England and Wales), Victims' Code (Scotland) and Victims Charter (Northern Ireland) give equal rights to all adult victims of crime, and account for some differences in need.^{8,9,10}

More needs to be done to address where vulnerability interacts with perceptions of age and ageing to achieve better outcomes for older people. To achieve this Hourglass will engage with the relevant stakeholders: The Ministry of Justice (Westminster) and national Departments of Justice; the Police; and prosecutors across the UK. We need to ensure older victims' experiences of criminal justice are examined in all areas of the UK. We need policy makers to be made aware that the present system is delivering unequal access to justice, not just in sentencing but at every stage of the process.

Much valuable work has been done already to identify where older people are experiencing poor outcomes in criminal justice responses. Policy makers need to act with urgency to implement recommendations where they have been made. Equal access to justice is a right of all people and a failure to act contributes to the continued marginalisation of older people.

Recommendations:

-  **Call for an investigation into older people's experiences of victim support. Press the UK Government to take account of the evidence of barriers to older people in the judicial and justice system.**
-  **Call on the National Police Chief's Council to implement the recommendations of the HM Inspectorate of Constabulary and Fire & Rescue Services and HM Crown Prosecution Service Inspectorates joint report to improve the understanding of crimes against older people.**
-  **Call on the Crown Prosecution Service to implement the recommendations of the HM Inspectorate of Constabulary and Fire & Rescue Services and HM Crown Prosecution Service Inspectorates joint report to improve the understanding of crimes against older people.**

Consulted or recommended resources

- 1 Brown, K. J., & Gordon, F. (2019). Older victims of crime: Vulnerability, resilience and access to procedural justice. *International Review of Victimology*, 25(2), 14.
<https://doi.org/10.1177/0269758018791426>
- 2 Kevin Brown and Faith Gordan, "Exploring and overcoming barriers to justice for older victims of crime." *Criminal Law Review*. (2020), 12. 1127-1136.
- 3 HMICFRS, The poor relation: The police and Crown Prosecution Service's response to crimes against older people
<https://www.justiceinspectorates.gov.uk/hmicfrs/publications/crimes-against-older-people/>
- 4 Kevin Brown and Faith Gordan, "Improving Access to Justice for Older Victims of Crime: Older People as Victims of Crime and the Response of the Criminal Justice System of Northern Ireland". Belfast: Commissioner for Older People for Northern Ireland (2019) 58.
- 5 Kevin Brown and Faith Gordan, "Improving Access to Justice for Older Victims of Crime: Older People as Victims of Crime and the Response of the Criminal Justice System of Northern Ireland". Belfast: Commissioner for Older People for Northern Ireland (2019) 43-57.
- 6 Kevin Brown and Faith Gordan, "Improving Access to Justice for Older Victims of Crime: Older People as Victims of Crime and the Response of the Criminal Justice System of Northern Ireland". Belfast: Commissioner for Older People for Northern Ireland (2019) 98.
- 7 Kevin Brown and Faith Gordan, "Improving Access to Justice for Older Victims of Crime: Older People as Victims of Crime and the Response of the Criminal Justice System of Northern Ireland". Belfast: Commissioner for Older People for Northern Ireland (2019,) 49.
- 8 Ministry of Justice, Code of Practice for Victims of Crime (2015).

⁹ The Scottish Government, Victims Code for Scotland (2020).

¹⁰ Department of Justice, Victim Charter: A charter for victims of crime.



Hourglass

Safer Ageing • Stopping Abuse

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24/7 Helpline: 0808 808 8141

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