

Scoping Document Crimes Against Older People

A. Introduction

In our Business Plan for 2025-2026¹, we set out our intention to undertake an Inspection which focusses on how the Crown Prosecution Service (CPS) handles cases involving crime against older people, including the service to victims in such cases.

There is national and international variance in the definition of an ‘older person’, and there is no statutory definition. The definition adopted by the CPS of a crime against an older person is *“Where the victim is 65 or over, any criminal offence which is perceived by the victim or any other person, to be committed by reason of the victim’s vulnerability through age or presumed vulnerability through age”*.

In 2018/19, Her Majesty’s Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) and HMCPSI conducted a joint inspection of how the police and the CPS respond to crimes against older people. In July 2019 a joint report entitled *‘The poor relation: The police and CPS response to crimes against older people’*² was published.

In the report, a series of recommendations were made, three of which were aimed at the CPS. The report also suggested several ‘Areas of Improvement’ where the Inspection had identified the need for police and the CPS to make improvements, but did not make specific recommendations about how this should be done.

Some of the key issues raised were the lack of joint definition between the police and CPS of an older person, the need for effective monitoring arrangements and the need for proper application of special measures guidance. A lack of consistency was identified in relation to: prosecutors including all relevant information about the victim as an older person in the instructions to court prosecutors, recording of special measures entitlements at the pre-charge stage and in providing instructions on the prosecution file as to a victim’s entitlements under the Code of Practice for Victims of Crime.

The CPS accepted the report’s findings³ and shortly afterwards published Policy Guidance⁴. This Guidance states CPS policy is to *ensure older people have the same access to justice as younger people and are given a voice in the Criminal Justice System*.

Informed by the previous findings of the Joint Inspection and considering the CPS’s own

¹ [HMCPSI Business Plan 2025-26 – HM Crown Prosecution Service Inspectorate](#)

² [The poor relation: The police and Crown Prosecution Service's response to crimes against older people - His Majesty's Inspectorate of Constabulary and Fire & Rescue Services](#)

³ [CPS response to the HMICFRS/HMCPSI joint thematic inspection report in relation to Crimes Against Older People | The Crown Prosecution Service](#)

⁴ [Policy guidance on the prosecution of crimes against older people | The Crown Prosecution Service](#)

commitments to their handling of cases involving crimes against older people, we will assess the level of service delivered by the CPS to victims, identifying aspects of good practice, and making recommendations where further work is needed.

HM CPSI is also committed to the voices of victims being heard as part of driving improvements and building public confidence in the criminal justice process. We intend that this inspection be informed by an understanding of some of the key concerns and challenges faced by victims, through discussions with leading organisations which advocate on issues of ageing and abuse of older people.

In preparing this scope, we have benefitted from discussions with Age UK and Hourglass. These discussions have informed the methodology set out below, and the focus of the file examination questions which will be used to scrutinise casework.

B. Inspection Question

Can older people be confident in the CPS's approach to prosecuting cases in which they are victims?

C. Aims and Criteria

The aim of the inspection is to answer the following questions, with reference to relevant criteria:

Charging

1. Does the CPS apply the proper care and consideration when reviewing cases involving crimes against older people at a pre-charge stage?

- 1.1 Prosecutors are not making assumptions about the reliability, credibility or competence of a victim or witness to give evidence based on their age or age-related vulnerability.
- 1.2 From the outset, proper consideration is given to how victims can give their best evidence, including the need to instruct an intermediary, where appropriate.
- 1.3 Prosecutors work with partners to build strong cases, appropriately exploring all reasonable lines of enquiry and other aspects of case building, including the possibility of an evidence-led prosecution.
- 1.4 Where required, prosecutors provide good quality, proportionate action plans for police which do not result in unnecessary delay.
- 1.5 When considering the public interest stage of the Full Code Test, prosecutors consider victims' views and weigh these against other public interest factors, bearing in mind the seriousness of the offence and what measures or support might be available to minimise the impact on the victim, as per CPS Legal Guidance.

Case Progression

2. Does the CPS handle prosecutions involving crimes against older people proactively, efficiently and expeditiously following a suspect being charged?

- 2.1 Following significant developments involving victims, good quality reviews are conducted which deal appropriately with development(s) in cases.
- 2.2 Escalation for outstanding material is used where appropriate, avoiding unnecessary delays that impact victims.
- 2.3 The acceptance or rejection of any basis of plea is appropriate and takes into consideration the needs of the victim(s).
- 2.4 Where appropriate, the Prosecution draw the court's attention at sentence to the targeting of a vulnerable victim as an aggravating feature of the case.
- 2.5 Where decisions are made to stop or discontinue a case, prosecutors have appropriately explored all reasonable lines of enquiry and other aspects of case building, including the possibility of an evidence-led prosecution.

Victim and Witness Support

3. Is the CPS effective in ensuring that older people are sufficiently supported through the prosecution process?

- 3.1 Special measures and reasonable adjustments are properly considered from the outset, and good quality applications are made to enable victims to give their best evidence.
- 3.2 Appropriate applications in respect of protective orders, bail and remand are made to ensure that victims are properly protected throughout the prosecution process.
- 3.3 Correspondence from the Witness Care Unit or support service raising any issues or queries on behalf of victims are dealt with in a timely manner with effective actions.
- 3.4 Prosecutors correctly identify at an early stage whether victims are entitled to an enhanced service under the Victim's Code.
- 3.5 All communication to victims is appropriate and fully accessible, taking into account their needs.

Effective Assurance and Guidance

- 4. **The CPS has effective monitoring arrangements in place, ensuring that cases involving older people as victims are accurately identified and prosecuted in accordance with policy and guidance.**

- 4.1 Effective monitoring and assurance of cases involving crimes against older people is in place and provides evidence that cases are being managed effectively and the right decisions are being made.
- 4.2 All cases flagged as involving a crime against an older person are monitored and reviewed as part of the enhanced checks CPS conduct in accordance with the national hate crime assurance regime, as per CPS Policy Guidance.
- 4.3 The Guidance and Policy are easy to follow and provide effective instruction and direction to prosecutors.
- 4.4 Best practice and lessons learned are effectively cascaded to drive improvement.

D. Methodology

Modes of Inspection

The inspection will comprise of an examination of 168 case files taken from all 14 CPS geographic Areas involving crimes against older people, a review of relevant documentation and a number of interviews. Interviews conducted in four CPS Areas will include relevant CPS Staff, Witness Care staff, and representatives of third-sector organisations who convey the voice of older people.

Choice of Areas

We will request further specific documentation and interview relevant individuals from the four selected Areas. These Areas have been selected on the basis they represent a spread of geographical Areas, a range of pre-charge receipts and a range of performance trends. The selection also took into account information provided to us by the CPS indicating that some of these Areas have previously confirmed that they engage with the third sector for crimes against older people in their Local Scrutiny Involvement Panels. Those Areas are as follows:

- CPS North West
- CPS South East
- CPS East Midlands
- CPS London South

This will provide evidence as to whether crimes against older people are being considered and dealt with consistently across England and Wales at pre-charge and post-charge review stages.

Whilst it is recognised that there are crimes against older people prosecuted in Central

Casework Divisions⁵, we do not intend to include Central Casework Divisions in this inspection. The nature and scale of those cases are not easily comparable to those dealt with on Area, and the number of crimes against older people cases handled in those Divisions are significantly less.

File examination

In order to assess the approach to crimes against older people across the CPS, we will examine 12 files from each Area. Eight of these will be cases which are flagged as crimes against older people. Four will be cases which involve victims aged 65 and over, which are not subject to the crimes against older person flag.

This will allow us to compare the service received by older people whose case does not meet the additional CPS flag requirement (any criminal offence which is perceived by the victim or any other person, to be committed by reason of the victim's vulnerability through age or presumed vulnerability through age) and those whose cases have been flagged.

Of the selected files:

- Two cases will be files where the CPS decided to take no further action (NFA), one on the basis of the evidential stage and one on the basis of the public interest stage of the Code for Crown Prosecutors.
- The remaining ten files will be taken from the most recent charged cases which were finalised within the last two years. These will include four Crown Court cases, four magistrates' court cases, and two dealt with by RASSO Units.
- The file sample will include both cases which had a successful outcome and an unsuccessful outcome.
- Homicide offences will be excluded, as one of the aims of the inspection is to assess how the victim was supported through the prosecution process.
- The third sector have raised concerns over the restricted CPS definition of an older person. We will also conduct a small dip-sample of 20 cases involving victims aged between 60 and 64. We will consider whether any of these cases show evidence of any criminal offence which is perceived by the victim or any other person, to be committed by reason of the victim's vulnerability through age or presumed vulnerability through age.

Data

The Inspection will explore how the CPS analyses its published data regarding crimes against older people to monitor and assure casework.

⁵ [CPS-Area-Level-Data-Tables-Q4-24-25.xlsx](#) 6.14

E. Interviews

The following will be approached for interview:

Third sector

- Hourglass
- Age UK

CPS Headquarters staff

- CPS Crimes Against Older People Lead - Chief Crown Prosecutor Lionel Idan
- Head of Policy - Victim and Witness Lead - Scott Dawes
- Representative of Legal Assurance Team with involvement in Hate Crime Assurance

Interviews from Area (four Areas)

CPS Staff

- Area Lead for Crimes Against Older People
- Area Performance Manager (or otherwise individual responsible for completing Hate Crime assurance report)
- Inclusion Community Engagement Manager

Stakeholders

- Witness Care Unit managers

F. Document request from CPS Areas

- Information as to who the crimes against older people lead(s) is in the Area, and any job or role specification or expectations set.
- Minutes and Actions from the two most recent Community Scrutiny Panels (or similar local initiative) that included discussion of crimes against older people.

G. Document request from CPS Headquarters

- On the basis that Hate Crime assurance reporting is understood to be collated centrally:

The two most recent examples from each Area of comments relating to crimes against older people being added to the 'narrative' box on the Hate Crime Assurance Report return.

- Copies of the two most recent quarterly hate crime insights highlight report which include comments about crimes against older people.

H. Proposed timescales

- I. The inspection team consists of the lead inspector plus three legal inspectors. The inspection will commence in mid-August, and we will publish the inspection report within six months of commencing the inspection.

J. Equality Impact Considerations

The screening template has been completed, and it has been determined that a full Equality Impact Assessment is not required at this stage. The potential impact of the inspection will be kept under continuous review.

K. Risks

Ensuring that interaction with, and contribution from, third sector organisations are carefully managed. It will be important that proper opportunity to contribute is given, but with clear explanation as to the parameters and limitation of the Inspection process.