

National Standards

National standards for the development and provision of appropriate adult schemes in England and Wales

Revised October 2018

Approved by



Executive summary

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Appropriate adults safeguard the rights, entitlements and welfare of children¹ and vulnerable persons² when they are detained or questioned as a suspect in an investigation under the Police and Criminal Evidence (PACE) Act 1984.

These national standards were developed to support everyone who has a role in ensuring effective, organised appropriate adult (AA) provision, from commissioners and providers to practitioners.

They draw together various sources, including legislation, case law, codes of practice, research, inspectorate reports and operational guidance. They provide clear benchmarks against which funders, commissioners, managers, coordinators, appropriate adults and monitors can assess current arrangements and develop plans.

Whilst the standards are non-statutory, they have been developed in consultation with the Home Office and approved by the Youth Justice Board, Association of Directors of Adult Social Services and Association of Police and Crime Commissioners. The National Standards for Youth Justice Services require provision of appropriate adults to be in line with these standards.

The standards are developed and published by the charity The National Appropriate Adult Network (NAAN) which is funded by its membership and via a grant from the Home Office Police Powers Unit. This is the fourth version of standards which were first published in 2005. Revisions are subject to wide consultation both within the NAAN membership and with other interested parties (e.g. policing, social care, youth justice, health, legal, academic, service users).

The standards are based on five principles: outcomes; whole systems; evidence; quality; frontline relevance; and accountability.

There are now six sections to the standards. The following pages provide a brief synopsis of each.

¹ Persons aged under 18 years. The term 'juvenile' is used in PACE but has the same meaning.

² As defined by PACE [Code of Practice C](#) (see paragraphs 1.4, 1.13(d), 1G and 1GB))

1. Scheme Development

While AA provision should be operationally distinct, it should also be strategically integrated with wider partnership working in children and adult social care, health and justice. Its governance, funding and contractual arrangements should promote independence from the police, sustainability and social value. Resourcing decisions should take account of the need for effective coordination, development and reporting. Performance management and evaluation should be based upon *outcome* measures related to safeguarding rights, entitlements and welfare. The involvement of service users and others with lived experience should be a principle in the development, delivery and monitoring of schemes.

2. Recruitment and selection

Approaches to AA recruitment should support the objectives of: reflecting community diversity (including and beyond legally protected characteristics); ensuring quick responses to requests; attracting people with appropriate attitudes; safeguarding children and adults; and transparency.

3. Initial training

Initial training, site visits and shadowing should be of sufficient quantity and quality to enable people to act in the role of AA safely, effectively and with sensitivity. New AAs should have an understanding of:

- their purpose and those of other relevant people and procedures;
- suspect welfare, rights and entitlements;
- mental vulnerability;
- child development and the youth justice system;
- communication needs and strategies;
- local arrangements, policies and protocols.

People who may be acting as an AA in terrorism-related investigations should have additional specialist training, visits and shadowing.

4. Managing, supporting and developing AAs

The AA role is deceptively simple. Effective provision requires a culture of ongoing development of knowledge and skills amongst AAs, underpinned by a coordinator who identifies and addresses their support needs. The scheme should identify and mitigate risks to AA health and safety and strike a balance between the risks and benefits of high levels of usage of particular individuals. Where used, the distinct contribution and legal position of volunteers should be recognised. AAs should always be recompensed for expenses. Whistle-blowers should be supported. There should be a clear policy covering social media use by the scheme and individual AAs.

5. Service provision

There should be a simple and robust method for requesting an AA, operating on a 24/7 basis and with the shortest possible response time for persons in police detention. At the point of need, postcodes (e.g. of home, care placement, alleged offence, custody suite) should not present a barrier to support. Support should be available for any voluntary interview and throughout any episode of detention. The effectiveness of provision, and its ability to enable compliance with the PACE Codes, should not be limited by the nature of the alleged offence(s) or the gender of the person who requires support. AAs should not have conflicts of interest and effective back up should be available to them. AA provision should be involved in local partnerships and, where appropriate, relevant and legal, share information. Following an initial physical attendance some remote support may be appropriate in limited circumstances but should only be used with children in exceptional circumstances. AAs may be temporarily placed in custody on a pre-planned basis but should not be based in custody in a long-term basis. Organised schemes should consider how they can work alongside family members to deliver the best outcomes for the person being supported.

6. Effective practice

This section provides standards for frontline AA practitioners for the first time. It sets out clear, outcome-focused expectations, focused on ensuring that a person's rights, entitlements and welfare are respected and that they are able to participate effectively (including by exercising their rights)

AAs should demonstrate independence through their actions and interactions. Wherever possible, they should seek to obtain initial information before their arrival. They should ensure legal advice wherever it is in a person's best interest to do so and work constructively with legal representatives. The custody record should be used to check treatment and record concerns. Private consultations should be used to ensure:

- the person understands their position and the AA role and boundaries;
- the AA understands how the person can best be supported;
- the need for professional assessments is considered (e.g. for speech and language needs)

AAs should make robust representations to minimise detention times particularly, but not limited to, during detention reviews. In the same way as legal representatives, AAs should not unreasonably obstruct proper questioning but must feel confident to intervene in interviews to ensure a person is not disadvantaged. They should ensure:

- the person always make informed decisions based on an accurate understanding of the nature and implications of the various procedures;
- strip or intimate searches and intimate samples are carried out only where legal and necessary, with respect for the person's dignity and with the minimum impact upon them.
- the person understands any decisions about charging, bail and disposals and that police are aware of the implications of a person's vulnerability when they are making decisions.

Any handovers between AAs should be timely, effective and consider the needs of the person being supported. AAs should seek to provide the person with relevant information and refer them to local sources of further support where appropriate.

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Introduction

Introduction

Welcome to the national standards for appropriate adult provision.

Every person suspected of an offence who requires an appropriate adult (AA) deserves to have their welfare, rights and entitlements – and indeed their dignity - safeguarded effectively. These standards aim to support everyone who is in a position to help make that vision a reality.

Who are the standards for?

The standards are relevant for anyone with an interest in organised AA provision. This includes:

- Commissioners and contract managers
- Managers of organisations providing AAs
- Scheme coordinators
- Appropriate adults
- Service users and their supporters
- Organisations that use organised AA schemes (e.g. police, DWP)
- Independent Custody Visitors
- Inspectors
- Researchers

What is the status of the standards?

The standards are approved by the Youth Justice Board, Association of Directors of Adult Social Services and Association of Police and Crime Commissioners. They were developed in consultation with the Home Office and wide range of other stakeholders. They are non-statutory standards which draw on statutory, legal and other sources as referenced in the text.

The requirement for an appropriate adult is set out in the:

- [Police and Criminal Evidence Act 1984](#) and its [Codes of Practice](#);
- [Crime and Disorder Act 1998](#) and its [Code of Practice for Youth Conditional Cautions](#)
- [Code of Practice for Adult Conditional Cautions](#) (Criminal Justice Act 2003)

Children

The provision of appropriate adults for children (under 18) is a statutory duty of youth offending teams under section [38\(4\)\(a\) of the Crime and Disorder Act 1998](#). The [National Standards for Youth Justice Services](#) (set by the Secretary of State for Justice on advice from the Youth Justice Board) require provision of appropriate adults to be in line with NAAN standards.

Adults

Responsibility for AA provision for vulnerable persons aged 18 or over in England and Wales is not explicitly set out in legislation. However, the role is closely aligned with health and social care outcomes, including those defined under the [Care Act 2014 \(England\)](#), [Social Services and Well-being \(Wales\) Act 2014](#) and [Autism Act 2009](#). Adult social care is the leading funder, either through direct provision or commissioning. The Home Office has published the [Appropriate Adult PCC-Local Authority Partnership Agreement England](#) to encourage and support close and effective partnerships between local authorities and police and crime commissioners. This should be read in conjunction with the revised national standards and NAAN's [information for developers and commissioners](#).

What is the purpose of the standards?

The standards are designed to encourage and support ongoing development and improvement in appropriate adult services. They provide clear benchmarks against which local areas can assess current arrangements, allowing funders, commissioners and providers to work collaboratively to develop plans for improvement.

Existing AA arrangements vary significantly between local areas in terms of approach and funding levels. The standards aim to reflect the law and evidence, rather than what is currently commonplace or easily achieved.

It is unlikely that any area currently meets all of the standards and for many it will be challenging to do so, especially given the context of challenging economic conditions in public services. There can be no 'one size fits all' approach to ensuring effective AA provision. All areas are not at the same starting point and each will have a different set of challenges and opportunities. Taking an outcomes-based approach allows for local flexibility and innovation while protecting the interests of service users.

Why have the standards been updated?

This is the fourth version of these standards. The first version was published in 2005, with updates following in 2009 and 2013. Over the last five years there have been significant developments in awareness and understanding of the needs of people supported by appropriate adults, both in policing and the wider world. There has rightly been increased scrutiny of the quality of AA provision across England and Wales.

In response, NAAN established the following principles for the revised standards:

- **Outcomes:** The standards should focus on the difference which can be made for the people for whom an AA is required, rather than just the processes being undertaken;
- **Whole systems:** The standards should support positive engagement across the system, including commissioners, managers, coordinators, providers and recipients;
- **Evidence:** The standards should draw on legislation, statutory codes, case law, academic research and inspection findings wherever possible, including those related to the views of service users;
- **Quality:** The standards and indicators should set out what is effective, rather than what is currently commonly or easily achieved;
- **Frontline relevance:** The standards should support and guide individual AA practice, not just the administration of a scheme;
- **Accountability:** The standards should be designed in such a way that they assist individuals and organisations who have responsibility for inspecting or monitoring AA provision.

How were the standards developed?

The national standards are developed and published by the National Appropriate Adult Network (NAAN). NAAN is a registered charity with a membership network of around 100 organisations. It was created by frontline practitioners in 1994 and they continue to play a central role as members, staff and trustees. The charity provides a national infrastructure and centre point for appropriate adult provision and policy. It is funded by grants and membership subscriptions.

Funding

The standards were produced under grant funding provided by the Home Office Police Powers Unit.

Consultation

NAAN sought to consult as widely as possible with stakeholders in developing the standards. This included the following actions.

A member workshop: A workshop on the national standards enabled members, working in small groups, to discuss and amend an early draft of the revised standards.

Public consultation: A public consultation was run based on a draft updated in light of the member workshop. In addition to contributions from AA providers within the network, written submissions were received from the following organisations and individuals.

- Association of Directors of Adult Social Services
- Association of Youth Offending Team Managers
- Dr Harriet Pierpoint, Centre for Criminology at University of South Wales
- Headway, the brain injury association
- HM Inspectorate of Constabulary, Fire and Rescue Service and HM Inspectorate of Prisons (joint)
- Home Office
- Independent Custody Visiting Association
- Independent Office for Police Conduct
- National Police Chief's Council
- NHS England (Liaison and Diversion)
- Office of the Police and Crime Commissioner for Cambridgeshire
- Police Federation of England and Wales
- Thames Valley Police
- The Law Society
- Youth Justice Board

Service user participation: NAAN commissioned advice from service users on the public consultation version. Our thanks go to:

- Chris Hilliard
- Members of the Working for Justice group (facilitated by KeyRing)
- Moira Tombs (Encompassing Health)

How should the standards be used?

Self-assessment

NAAN will update its existing national standards self-assessment tool (SAT) to reflect the new standards. Completion of the SAT will require a collaborative effort between all parties. The drivers for self-assessment might include demonstrating quality, providing an evidence base for discussions about resource levels, or developing inter-agency protocols to improve efficiency.

“These standards set a useful reference point/resource for developing the highest standard of provision and, whilst non-statutory, are a useful reference for commissioners and delivery vehicles for the provision of these services. As a tool to ensure provision is effective and of the appropriate quality I will certainly use this to self-assess the current provision in Essex and support future development of the provision as a key element of the Health and Justice Commissioning agenda”.

Ben Hughes, Head of Wellbeing and Public Health: Risk Behaviours, Health and Justice, Essex County Council

Voluntary external assessment

Local areas may wish to use the standards as the basis of an external assessment or evaluation. This might be achieved through a reciprocal peer evaluation or commissioning an external organisation.

Commissioning

Where AA provision is contracted out, the standards support commissioners in developing high quality tender specifications, effective tender evaluations and contract management criteria.

Inspection and monitoring

There is no currently inspection or regulatory regime specific to organised AA provision.

The HMICFRS and HMIP joint inspection programme does include an assessment of the effectiveness of the police in securing AAs on a 24/7 basis in police custody. It considers the timeliness of AA support (from any source) and their presence at various stages of the custody process. While it would expect any organised scheme to state that it operates to national standards, it does not assess schemes or whether the standards are being met.

Independent Custody Visitors (ICVs) are appointed by, trained by, and report to the local police and crime commissioner (PCC) or mayor (in London and Manchester). They provide reassurance to the local community at large by inspecting the treatment, conditions, rights and entitlements of suspects detained by police. In speaking to detainees about their custody experience, ICVs may use these standards as a basis for their questions and reports in relation to AA provision.

Standards

1: Scheme Development

1.1 Strategic integration

Standard

AA provision is recognised as a discrete and independent function set within a wider strategic framework of services supporting both children and vulnerable adults in the health, social care and criminal justice systems.

Indicators

- a. The scheme and its development are included within existing local strategic frameworks and policies, for example those relating to:
 - Health
 - Wellbeing
 - Child and adult safeguarding.
- b. Relevant stakeholders are engaged in structured forums which allow them to work together to identify and solve issues, increase efficiency and effectiveness and improve outcomes for children vulnerable persons (see [5.12 Inter-agency protocols](#)).

Risks

- AA provision is not recognised as part of a wider strategy and framework of services supporting children and vulnerable persons in the health, social care and criminal justice systems.
- There is confusion or misunderstanding about the role and objectives of the AA and how they relate to those of other services.
- The efficiency and/or effectiveness of AA provision is sub-optimal due to other parts of the system (e.g. police, health or social care practice).

References

- *Government policy*: Home Office (2018)
- *Research*: Bradley 2009

1.2 Governance

Standard

The systems, processes, culture and values by which AA provision is directed, controlled and accountable, all promote its operational independence, sustainability and social value.

Indicators

- a. All stakeholders involved in the governance framework understand the role and purpose of AAs in safeguarding against abuse of police powers and recognise the importance of their independence from policing.
- b. Local authorities recognise their statutory duty in relation to AA services for children by taking responsibility for the delivery, management or commissioning of services to ensure AA provision for suspects aged under 18.
- c. Local authorities recognise the links between AA provision for adults and their statutory health and social care duties and wider objectives, and play an active role in the delivery, management or commissioning of provision for adults.
- d. Police and crime commissioners (PCC): are strategically engaged; nominate a point of contact to work with local authorities; ensure that police policy and practice complies with PACE; establish a demand profile to inform commissioning; and have an active role in the accountability framework.
- e. AAs are not provided under direct contract with a police force*³ (see [2.5 Independence](#) and [6.2 Acting independently](#)).
- f. Policing perspectives inform strategic objectives but do not dominate the governance framework.
- g. Whenever all or part of AA provision is commissioned, commissioners must consider how the procurement might improve the economic, social and environmental well-being of the relevant area; should seek to comply with “The Compact” which governs relations between government and civil society.

Risks

- A non-existent, weak or inappropriate governance framework fails to create an enabling environment for AA leadership.
- An actual or perceived lack of independence from policing reduces the effectiveness of AA provision and/or reduces the legitimacy of the justice system by: creating conflicts of interest, limiting trust and engagement from service users and the community; increasing the risk of unreliable/inadmissible evidence.
- Failure to plan ahead and provide sufficient resources to ensure the sustainability of the service.

References

- *Legislation*: PACE 1984 s.63B, s.66ZA, 77(1)(b)(ii), 77(3); CDA 1998 s.38; PSSVA 2012; WFGA 2015
- *PACE Codes*: C (1.7, 1F)
- *Government policy*: HM Government 2010; Home Office (2018) p.7-8
- *Research*: Pierpoint 2000
- *Inspectorates*: CJI 2011; CJI 2014

³ A PCC is not part of the police force for an area. For information on PCC functions see relevant [legislation](#), the Home Office [PCC-LA Partnership Agreement](#) and NAAN [development guidance](#).

1.3 Leadership

Standard

There is clear, engaged and appropriately resourced leadership, focused on protecting the best interests of children and/or vulnerable persons.

Indicators

- a. The scheme has clear and identifiable leadership responsible for ensuring the provision and development of an effective AA scheme.
- b. Scheme policies, processes and resources encourage a culture focused on protecting the best interests of suspects during police detention and voluntary interviews.
- c. There is sufficient administration and operational support to enable the scheme leader develop the scheme including:
 - reviewing and addressing compliance with the national standards
 - attending and contribute to national professional development days and cascade learning to AAs
 - developing effective working relationships with stakeholders, including policing leads
 - developing partnerships with third party experts and organisations.
- d. The scheme leadership is actively engaged with other relevant local stakeholders, including:
 - liaison and diversion (where provided)
 - custody healthcare
 - independent custody visitors.

Risks

- Failure to meet national standards.
- AAs have unclear expectations.
- Lack of engagement with other stakeholders.
- Not delivering against correct objectives.
- Lack of communication between AAs and scheme/organisation.

References

- *Inspectorates: CJI* 2014
- *Other:* United Nations Convention on the Rights of the Child Art. 37

1.4 Finance

Standard

The scheme is appropriately resourced in order to operate sustainably and in adherence with all relevant legislation, codes and standards.

Indicators

- a. There is a regular formal budget review process involving the scheme coordinator, senior managers and/or commissioners.
- b. Budgets are sufficient to enable efficiently run provision to meet the national standards.
- c. Core budgets are agreed for a minimum of three years at a time.
- d. Reasonable and proper notice is given for funding decisions.
- e. All costs are recognised and transparent, assessed using full cost recovery principles taking into account an appropriate share of overheads.
- f. Financial planning involves local partners as necessary to ensure that, for the benefit of police and suspects, at the point of need the availability of an AA is not dependent on postcodes (see [5.4 Geographical coverage](#)).
- g. Where policing partners contribute to funding, there is an appropriate governance framework in place to ensure the independence of the scheme.
- h. Commissioning of volunteer schemes highlights the added value of volunteers and is not used to displace or undercut paid staff.

Risks

- AA provision is unavailable, insufficient, ineffective or unsustainable due to a lack of financial resources, resulting in breaches of legislation or codes, negative impacts on investigations and poor outcomes for children and/or vulnerable persons.

References

- *Government policy*: HM Government 2010

1.5 Insurance

Standard

Provision is appropriately insured to protect AAs and its own ability to operate sustainably.

Indicators

- a. Employer's liability insurance is place to cover claims made by AAs.
- b. Public liability insurance is in place to cover claims made by members of the public.
- c. Professional indemnity insurance is in place to cover AAs against claims made by a client
- d. Where volunteers are used, all insurance policies explicitly include this fact.
- e. AAs are aware of their responsibilities to properly insure (and tax and maintain) any vehicle they use in acting as an AA.

Risks

- Sustainability of the scheme is compromised due to legal action taken against it.
- AAs suffer financial loss due to legal actions taken against them in relation to their actions in the role.

References

- N/A

1.6 Quality assurance

Standard

Effective provision is actively supported by a performance management information system that captures both quantitative and qualitative information.

Indicators

- a. A clear and proportionate set of management information measures have been agreed.
- b. Measures accurately reflect the intended function/outcomes of the AA role.
- c. Appropriate information is systematically collected by AAs and reported back to the scheme coordinator.
- d. The scheme coordinator analyses information from AAs and reports to management and/or commissioners at agreed times (e.g. quarterly).
- e. Independent Custody Visitors understand the role of the AA, ask detained people about AA support where relevant and include this information in their reports to their Police and Crime Commissioner.
- f. Police collect and share relevant data (e.g. percentage of adult detentions/interviews using an AA; time between detention authorisation and request for AA; overall detention times; outcomes vs source of AA).

Risks

- AA provision is not operating efficiently or effectively.
- Quality is judged against incorrect criteria (do not accurately reflect objectives of the role).

References

- *Legislation*: Data Protection Act 2018; GDPR
- *Government policy*: Home Office (2018) p.8
- *Inspectorates*: CJI 2011; HMIP & HMICFRS 2016

1.7 Evaluation

Standard

Evaluation of AA provision considers the outcomes it achieves (difference it makes) for people who are supported.

Indicators

- a. The need for evaluation is explicitly recognised (and is within the contract in the case of a commissioned provider) with specific appropriate resources allocated.
- b. There is a planned cycle of evaluation at fixed periods (e.g. linked to contract periods).
- c. Evaluation is focused on planned outcomes (fair treatment and effective participation) while also capturing unplanned outcomes and is not limited to measures of process and output.

Risks

- Scheme is not achieving set objectives.
- The scheme is evaluated against an incorrect set of measures.
- Measures are overly simplified at the aggregate level or otherwise misinterpreted (e.g. it is assumed that increases in average detention times must indicate slower/poorer performance by AAs, rather than more time spent ensuring compliance with the Codes).

References

- *Research*: Medford, Gudjonsson and Pearse 2003; Cummins 2007
- *Inspectorates*: CJI 2011

1.8 Relationship with police

Standard

The scheme has a positive working relationship with the police force based on mutual understanding and clear independence from one another.

Indicators

- a. When developing or commissioning services, service users are considered to be the primary customer and the police force is considered to be a secondary customer and critical stakeholder.
- b. There are regular meetings between the scheme coordinator and specified senior police officers of inspector level or above for both custody and voluntary interviews.
- c. There is an agreed method for raising issues, and issues and actions are recorded.
- d. The AA scheme coordinator is a member of any relevant forum regarding police detention or voluntary interviews (e.g. a custody liaison forum).
- e. The scheme works to increase understanding and compliance by police with relevant PACE requirements which enable the role of the AA to be delivered effectively (e.g. accurately identifying need, requesting an AA as soon as is practicable, enabling access to the full custody record, inviting representations at reviews).

Risks

- Poor communication and a lack of engagement.
- Police and AA scheme fail to understand each other's role, objectives and operational realities.
- Police policies and/or processes reduce the effectiveness of the AA safeguard.
- Commonly occurring issues are not solved, generating unnecessary frustration and conflict between police, AAs, scheme coordinator.

References

- *Government policy*: HM Government 2010; Home Office (2018) p.7-8
- *Research*: Abedowale 2015; Bradley 2009; Bucke and Brown 1997; CJI 2009, 2014; Dehaghani 2016; in press; HMIC 2015, Hodgson 1997; Jessiman and Cameron 2017; McKinnon and Grubin 2013; McKinnon, Thorpe and Grubin 2015; NAAN 2015; Young, Goodwin, Sedgwick and Gudjonsson 2013
- *Inspectorates*: HMIP & HMICFRS 2016

1.9 Role of service users

Standard

Service users and other people with relevant lived experience are actively and genuinely working in partnership with the scheme to define, develop, deliver and evaluate AA provision.

Indicators

- a. The scheme is committed to meaningful service user participation which seeks to increase equality and power-sharing and is open to change wherever possible.
- b. Specific time/resources are allocated to facilitating service user participation wherever possible, and there is a written policy on:
 - building capacity
 - increasing accessibility
 - reimbursing expenses
 - rewarding contributions.
- c. Service users are involved in all aspects of planning, development, delivery and evaluation wherever possible.
- d. Service users are made aware of the constraints from the beginning (e.g. what can and cannot be changed).

Risks

- The scheme fails to include the unique insight and understanding of what works held by people who need, or have used, AA services.
- Outcomes and activities are defined without consideration of what is most valued by service users, limiting its effectiveness.
- Evaluations include only those measures which are important to powerful stakeholders (e.g. funders, managers) and so give an inaccurate or incomplete picture.

References

- *Research*: Weaver and Lightowler 2012
- *Guidance*: Clinks 2016

1.10 Feedback and complaints

Standard

The scheme encourages, enables and supports complaints, responds positively and makes positive changes as a result.

Indicators

- a. There is a written complaints policy for service users, their supporters, and other interested parties who would like to give feedback or make a complaint in relation to support provided.
- b. All people who receive support are provided with information about how to feedback/complain both verbally and in accessible written form, including advice on any possible sources of independent support to make a complaint.
- c. The complaints process takes account of the range of needs service users and is flexible and accessible, providing a range of channels (e.g. messaging platforms, voicemail, or conversation).
- d. Complaints are taken seriously, fully considered, responded to and action taken in a timely manner.

Risks

- Children and vulnerable persons who are dissatisfied with the support provided by an AA are or feel unable to raise a complaint.
- Other interested parties, including police and legal representatives, have valuable feedback which is not considered.
- The scheme fails to identify failures in the service and/or to learn from them.

References

- *Research*: Jessiman and Cameron 2017
- *Inspectorates*: CJI 2011

Standards

2: Recruitment and Selection

2.1 Diversity

Standard

To the greatest possible extent, AA provision reflects the diversity of the community it serves.

Indicators

- a. There is an explicit commitment to inclusivity, equality, and reflecting the diversity of service users and the local community.
- b. There is a written equal opportunity/diversity/inclusion policy, including policy on people with criminal records (see standard [2.4 Vetting](#)).
- c. An inclusive recruitment strategy and process is used and understood.
- d. AAs are recruited in a fair and transparent manner.
- e. Vacancies are advertised/publicised publicly, with pro-active outreach to under-represented groups within the local community.
- f. Advertising, role descriptions and person specifications are accurate and any specific requirements, such as fluency in English, are based solely on the requirements of the role.
- g. Introductory meetings and interviews are accessible to all.
- h. Individual needs are considered and reasonable adjustments made in consultation with police.
- i. Standardised information and application forms are used and available in accessible formats.
- j. Initial publicity material is provided in languages other than English (although fluency in English is required for the role).
- k. The recruitment process involves at least two people and records are kept (wherever possible this includes short-listing, assessments and interviews being scored separately based on agreed questions and criteria).
- l. Diversity is monitored, including protected characteristics set out in legislation.

Risks

- A lack of diversity in the AA scheme limits the effectiveness of the service because it has less understanding of the needs and circumstances of, and consequently a lower level of credibility with, the people it supports.

References

- *Legislation*: EA 2010

2.2 Locations

Standard

AAs are recruited in locations from which they can realistically meet the required attendance response times.

Indicators

- a. Recruiters consider the home / work locations of applicants in light of planned service locations.
- b. Recruiters consider applicant's access to public transport links and personal transport in light of required response times and likely shift patterns.

Risks

- AAs located at large distances from relevant police stations or voluntary interviewing locations may be unable to meet the required response times. This may be particularly true if public transport links are poor (including at night) and they do not have access to their own transport.

References

- *Research: Children's Commissioner* (2017)

2.3 Selection

Standard

AAs motivations are aligned with the purpose of the AA role to safeguard the interests (rights, entitlements and welfare) of children and/or vulnerable persons.

Indicators

- a. All applicants are interviewed before being confirmed.
- b. Former service users and/or people with experience of requiring an AA are actively and centrally involved in the recruitment process.
- c. The recruitment process considers each applicant's motivations and attitudes towards suspects and the police in order to ensure that the interests of children and/or vulnerable persons are at their core and to support independence from the police (see [2.5 Independence](#), [5.8 Conflicts of interest](#) and [6.2 Acting independently](#)).
- d. The recruitment process considers each applicant's personality traits in light of effectiveness and AA service user feedback (e.g. calm; caring; calming; is respectful of race, culture, and sexual identity; is protective; kind; confident; is a 'people person'; is empathetic; is a good listener and good communicator; is trustworthy; honest; and is able to keep things confidential).

Risks

- Applicants do not understand the role.
- People who are recruited are not suited to the role.
- Feedback from service users on the traits they find effective is not put into practice.
- AAs have an underlying attitude in relation to suspects and/or the police that renders them unsuitable (e.g. they have a strong desire please police, they are disinclined to perceive oppressive tactics or they are likely to unreasonably obstruct proper questioning).

References

- *PACE Codes*: C (1F); H (1F)
- *Case law*: Blake 1989
- *Research*: Littlechild 1995; Hodgson 1997; Williams 2000; Pierpoint 2000, 2001; Bucke and Brown 1997; Quinn and Jackson 2007; Jessiman and Cameron 2017; Dehaghani in press
- *Inspectorates*: CJI 2011

2.4 Vetting

Standard

Individuals appointed as AAs are appropriate to work with children and/or vulnerable persons (as defined by the PACE Codes of Practice).

Indicators

- a. A minimum of two references are taken up before confirmation.
- b. The scheme takes full responsibility for vetting, with criminal record checks being made on individuals via the Disclosure and Barring Service (DBS) at a legal level, as set out below:
 - i. For any individual acting as an AA for *children* either (a) on more than 3 days in a 30 day period or (b) at any time between 2am and 6am: up to enhanced level *with* a check of the Children's Barred list
 - ii. For any individual acting as an AA for *children* but not meeting the criteria above: up to enhanced level *without* a check of the Children's Barred list
 - iii. For any individual acting as an AA for *vulnerable adults* either (a) on more than 3 days in a 30 day period or (b) at any time between 2am and 6am with face to face contact or (c) at least once a week on an ongoing basis: up to enhanced level *without* a check of the Adult's Barred List
 - iv. For any individual acting as an AA for *vulnerable adult* but not meeting the criteria above: up to standard level.
- c. The scheme may share information about its vetting policies with police to maintain confidence but there is no direct police vetting of AAs for appointment, access to custody or any other matter (including via live PNC checks or subject access requests).
- d. The DBS update service is used annually (or where the update service is not used checks are renewed a minimum of every 3 years).
- e. A written policy on criminal records is linked to adverts and application forms and is clear and accessible.
- f. Application forms do not include questions about criminal records but do include a statement that makes clear exactly what checks will be carried out if the applicant is offered the position (and before they begin acting as an AA).
- g. Sensitive personal data is treated appropriately and in line with data protection regulations.
- h. Applicants are given an opportunity to explain the nature and circumstances around their criminal record and their life since.

Risks

- Unsuitable people are provided with access to children and/or vulnerable persons and their personal data, including people who are legally barred from such roles or otherwise present a risk that cannot reasonably be mitigated to an acceptable level.
- People whose life experience assist them to be effective in the role are excluded without proper consideration. Groups that are disproportionately criminalised are disproportionately excluded.

References

- *Legislation*: DPA 1998; ROA 1974; ROA 1974 (Exceptions) Order 1975; SVGA 2006; PA 1997 (Criminal Records) Regulations 2002
- *Guidance*: DBS 2018; BITC; Unlock
- *Other*: Gov.uk 2016

2.5 Independence

Standard

AAs do not hold other roles that may reduce their independence.

Indicators

- a. The scheme does not recruit or retain any person who is currently: -
 - a police officer
 - a police employee (whether or not they are operational)
 - under the control of direction of the chief officer of a police force (including all operational and non-operational police volunteers)
 - a person who provides services under contractual arrangements to assist that force (but without being employed by the chief officer of a police force)
 - an independent custody visitor (ICV) in the same police force area (this does not prevent a social worker or YOT officer from acting as AA in their professional capacity because they also volunteer as an ICV, subject to PACE Code C 1F).
- b. When making recruitment decisions the scheme always considers potential conflicts of interest and whether and how they can be mitigated to their satisfaction (see [2.3 Selection](#), [5.8 Conflicts of interest](#) and [6.2 Acting independently](#)).

Risks

- AAs are ineffective and/or the scheme's reputation is damaged due to an AA's lack of independence.
- Breach of legislation / codes of practice.

References

- *Legislation*: PACE 1984 s.63B and 66ZA; PA 1996 s.101(2)
- *PACE Codes*: PACE Code C (1.7 (a)(iii) and (b)(iii), 1F); H (1.13 (a)(iii) and (b)(iii), 1F)
- *Case law*: O'Neill 1990
- *Inspectorates*: CJI 2011
- *Guidance*: NAAN and ICVA 2017

2.6 Acceptance and rejection

Standard

Applicants understand the recruitment process and the progress of their application.

Indicators

- a. It is clear to applicants that confirmation in the role is subject to completion of successful vetting, initial training and shadowing visits.
- b. Successful applicants are notified in writing.
- c. Applicants who are unsuccessful at any stage are notified in writing, with an offer to provide feedback.
- d. Rejected applications are not held on file unless they are being held for consideration for a future role and the applicant is informed and given the opportunity to have their application deleted.

Risks

- Failures in communicating with applicants damage the reputation of the scheme, reducing its ability to recruit and retain high quality individuals.

References

- *Legislation:* DPA 1998 Schedule 1 s.5

2.7 Setting expectations

Standard

AAs are clear about the role, the expectations of them and what they can expect from the scheme.

Indicators

- a. Paid AAs sign a written contract clearly setting out: the nature of the role; the expectations on the AA; the commitments of the scheme; and a statement on minimum required/guaranteed hours of work (if there are no guaranteed hours there must be no minimum required hours).
- b. Where volunteers are being recruited, appropriate language is used throughout the recruitment process and a volunteer policy and agreement is provided (see Standard 4).

Risks

- AAs are unclear about their role or the expectations on them.
- Employment contracts are created unintentionally with a volunteer (e.g. due to language used in recruitment process).

References

- *Case law*: Hafal Ltd v. Lane-Angell 2018
- *Inspectorates*: CJI 2011

Standards

3: Initial Training

3.1 Minimum quantity

Standard

AAs are provided with initial training of sufficient quantity to enable them to achieve the learning outcomes necessary to act safely and effectively.

Indicators

- a. New recruits receive a sufficient quantity of initial training time to achieve the learning outcomes specified in these standards. This is estimated to require a minimum for most learners of:
 - 16 hours if supporting adults only
 - 20 hours if supporting (i) children only or (ii) both children and adults (as children-only services are expected to deliver learning on children's needs and the distinct youth justice system *in addition to* mental vulnerability)
 - A further 3 hours for AAs who may act in terrorism-related (TACT) investigations, in addition to the above.

Risks

- AAs are not prepared to act effectively due to insufficient training time to achieve necessary learning outcomes.

References

- *Research:* Pierpoint 2001; Thomson, Galt and Darjee 2007; Jessiman and Cameron 2017, Children's Commissioner 2017
- *Inspectorates:* CJI 2011

3.2 Visits & shadowing

Standard

AAs are aware of the practical, cultural and emotional realities of police detention and questioning.

Indicators

- a. In addition to the minimum hours of initial training, all each new AA has:
 - A tour of a police custody suite with an introduction to relevant police and non-police personnel
 - Shadowing visits with an experienced AA or scheme coordinator, according to individual need. This should include one being observed while acting as AA and, wherever possible, at least one as an observer of an experienced AA.
 - There is a record of the AAs performance when observed and that the scheme coordinator is satisfied that are able to act effectively
 - For AAs acting in terrorism-related (TACT) investigations, a tour of the relevant TACT custody facility and shadowing visits as above.
- b. Shadowing visits take account of the potential impact on the person being supported and are handled sensitively.

Risks

- AAs have technical knowledge but do not understand the practical, cultural and emotional realities of police custody and questioning.

References

- *Research:* Dehaghani in press; in progress

3.3 Quality

Standard

AAs are provided with initial training of sufficient quality to enable them to act safely and effectively.

Indicators

- a. There is a written training policy which is adhered to.
- b. The lead trainer is independent from the police force, has significant experience in AA work, and appropriate skills for delivering training.
- c. AAs have access to relevant reference materials and resources to support learning.
- d. Experienced AAs are involved in the delivery of the training.
- e. People with lived experience are involved in the delivery of the training.
- f. Third parties are involved in supporting training delivery where relevant (e.g. police officers on custody procedures; solicitors on legal rights and disposals; local safeguarding board on safeguarding; local charities on substance misuse; liaison and diversion on mental vulnerability).
- g. There are systems in place to receive feedback from learners and evaluate training and these are acted on to improve future training.
- h. Training is independently quality assured.
- i. Training leads to a nationally accredited qualification in acting as an AA.

Risks

- AAs are not prepared effectively because trainers do not have the necessary skills and knowledge.

References

- *Inspectorates: CJI* 2011

3.4 Equality and diversity

Standard

AA understand how to identify possible equality and diversity considerations and ensure that they are responded to effectively.

Indicators

- a. Initial training enables AAs to understand and respond effectively to particular contexts, circumstances and needs and the potential for intersectionality between them, including but not limited to:
 - women
 - race (including disproportionality)
 - disability (both physical and intellectual)
 - neurodevelopmental conditions and acquired brain injury
 - mental health
 - illiteracy
 - religion
 - age (both younger and older people)
 - sexual orientation
 - gender identity (e.g. trans, intersex, nonbinary, pangender, nonconforming, third gender).
- b. Where possible, people with lived experience are involved in the delivery of the training (see [3.3 Quality](#)).

Risks

- AAs are unable to support a person effectively due to a lack of understanding of equality and diversity.

References

- *Legislation*: EA 2010
- *Research*: Centre for Mental Health 2013; Lammy 2017
- *Inspectorates*: HMIP & HMICFRS 2016 (section 3 paragraph 9)

3.5 Need and purpose

Standard

AAs understand the need for an AA, the overall purpose of the role, and the importance of actual and perceived independence from policing.

Indicators

Initial training enables AAs to:

- a. Describe the purpose of the AA role
- b. Explain why it is important to support and protect children and/or vulnerable persons who have been detained
- c. Describe the practical responsibilities of an AA
- d. Explain why it is important for an AA to be independent from police.

Risks

- AAs do not understand the need for an AA and the purpose of the role.

References

- *PACE Codes*: C (1.7A); H (1.13A)
- *Research*: Hodgson 1997; Cummins 2007; Dehaghani in press; Dehaghani in progress
- *Other*: NAAN 2018; National Accredited AA Qualification

3.6 People and processes

Standard

AAs understand the roles of other people and common procedures involved in detention and/or questioning.

Indicators

Initial training enables AAs to:

- a. Outline the standard processes carried out at a police station, for example for explaining rights and entitlements, interview and charging
- b. Describe how a custody officer determines if an AA is required in custody
- c. Give examples of different custodial situations when an AA would be required
- d. Explain how the AA role is distinct from other sources of support available to a person detained in a police station (e.g. legal representative, custody healthcare, liaison and diversion, interpreters)
- e. Describe how people and processes differ for a voluntary interview.

Risks

- AAs do not understand the roles of other people and common procedures involved in detention and/or questioning.

References

- *PACE Codes*: C (1.7A); H (1.13A)
- *Other*: NAAN 2018; National Accredited AA Qualification

3.7 Communication skills

Standard

AAs understand why communication may not be effective for some people and how it can be supported.

Indicators

Initial training enables AAs to:

- a. Explain the importance of clear communication
- b. Describe the different factors which may help or hinder communication (see [3.9 Mental vulnerability](#))
- c. Describe some of the tools and strategies an AA can use to support effective communication between people and professionals during detention and/or questioning.

Risks

- AAs do not understand why communication may not be effective and how it can be supported.

References

- *PACE Codes*: C (1.7A); H (1.13A)
- *Research*: Jessiman and Cameron 2017
- *Other*: NAAN 2018; National Accredited AA Qualification

3.8 Ensuring rights and welfare

Standard

AAs are aware of a person's legal rights and entitlements, including in relation to their welfare, and how to ensure they are respected.

Indicators

Initial training enables AAs to:

- a. Describe the procedures that should be carried out by both the police and the AA before and during an interview, both in custody and for a voluntary interview
- b. Describe and explain the caution
- c. Describe the rights of a person who has been detained and the guidelines for detention under the Police and Criminal Evidence Act (PACE) 1984 and Codes of Practice
- d. Explain how an AA can ensure that a person understands their rights, including those associated with the caution
- e. Explain how an AA can act to ensure that the person's rights are being respected, giving examples of appropriate actions (e.g. viewing the custody record; securing presence of legal representative, intervening in an interview, detention review representations)
- f. Describe the responsibilities of an AA in relation to confidentiality (including the difference between legal privilege and the common law duty of confidentiality)
- g. Describe the different disposal options available (i.e. awareness of meaning and implications of terms used by police and lawyers).

Risks

- AAs are not aware of a person's rights or how to ensure they are respected.
- AAs lack the confidence to challenge robustly where appropriate both in interviews and during other procedures.

References

- *PACE Codes*: C (1.7A); H (1.13A)
- *Research*: Evans 1996, Clare, Gudjonsson & Harari 1998, Medford, Gudjonsson and Pearse 2003
- *Other*: NAAN 2018; National Accredited AA Qualification

3.9 Mental vulnerability

Standard

AAs are able to recognise the needs of a child or adult who is mentally vulnerable and ensure that they are met.

Indicators

Initial training for AAs supporting either children or vulnerable persons enables them to:

- a. Describe the groups of people for whom an AA is required under the PACE Codes
- b. Describe how the different forms of mental vulnerability may affect a child/adult during detention or a voluntary interview (e.g. speech, language and communication needs)
- c. Give reasons why a child or adult who may be mentally vulnerable needs the support of an AA during detention or a voluntary interview
- d. Explain the importance of being able to communicate effectively with a person who may be mentally vulnerable in custody or a voluntary interview, giving examples of appropriate approaches for a given individual
- e. Describe some of the key tools and strategies an AA can use to support a child or adult who may be mentally vulnerable during detention or a voluntary interview.

Risks

- An AA is unable to recognise the needs of a child or adult who is mentally vulnerable and ensure that they are met.

References

- *PACE Codes*: C (1.7A); H (1.13A)
- *Research*: Evans 1996; Jessiman and Cameron 2017
- *Inspectorates*: CJI 2014
- *Other*: NAAN 2018; National Accredited AA Qualification

3.10 Children

Standard

AAs are aware of the particular needs of children (under 18) and the differences in the youth justice system.

Indicators

Initial training for AAs who will be supporting children enables them to:

- a. Describe the role of the AA within the youth justice system
- b. Describe the different social, educational and environmental problems which may affect a child in custody (including as a result of typical child development)
- c. Explain how an AA can identify and work to resolve problems affecting a child in custody
- d. Describe the responsibilities of police and local authorities regarding transfers to local authority accommodation.

Risks

- AA support for children is ineffective because AAs are not aware of the particular needs of children and differences in the youth justice system.

References

- *PACE Codes*: C (1.7A); H (1.13A)
- *Legislation*: PACE 1984 s.38(6); CA 1989
- *Government policy*: Home Office 2017
- *Research*: Children's Commissioner 2017
- *Standards*: YJB 2013
- *Inspectorates*: CJI 2011
- *Other*: NAAN 2018; National Accredited AA Qualification

3.11 Terrorism investigations

Standard

AAs who provide support in terrorism cases are aware of the particular risks and understand the differences in the legal framework.

Indicators

Initial training for AAs who may be supporting people suspected of terrorism-related offences enables them to:

- a. Describe the differences in people and procedures under TACT 2000 versus PACE 1984
- b. Give examples of how detention under TACT may impact on a person's vulnerability.
- c. Explain how the rights and welfare of a child and/or vulnerable person detained in a TACT suite can be ensured.

Risks

- AA support in terrorism cases is ineffective because AAs are unaware of the particular risks and the differences in the legal framework.

References

- *PACE Codes*: H (1.13A)
- *Other*: NAAN 2018; National Accredited AA Qualification

3.12 Local arrangements

Standard

AAs are aware of local arrangements and protocols.

Indicators

- a. In addition to the minimum hours of initial training, each new AA is made aware of all local arrangements, policies and protocols (either through documents or additional training) including but not limited to:
- child and/or adult safeguarding frameworks, policies and procedures
 - health and safety considerations and arrangements (including where they differ for terrorism-related cases)
 - transport
 - signposting and referrals to local support services
 - locally available diversion programmes
 - local authority accommodation transfers
 - conflicts of interest
 - expenses.

Risks

- AAs understand the role but cannot act effectively because they are unaware of specific local arrangements.

References

- *Research*: Children's Commissioner 2017
- *Government policy*: Home Office 2017
- *Standards*: YJB 2013
- *Inspectorates*: CJI 2011

Standards

4: Managing, supporting and developing appropriate adults

4.1 Development

Standard

AAs relevant knowledge and skills are kept up to date and increase in depth and breadth over time.

Indicators

- a. The scheme coordinator promotes a culture of continuing AA development amongst AAs.
- b. There is a standard framework setting out the knowledge, skills, and competencies for AAs.
- c. Individual training and development records are kept for each AA.
- d. Beyond initial training, professional development is provided on an on-going, regular basis and is accessible to AAs.
- e. There is an effective system for providing AAs with timely updates on changes to relevant legislation and national regulations (in particular PACE and its Codes) or in local arrangements and protocols.
- f. Third party experts are involved in the professional development programme, including experts by experience.
- g. AAs have access to relevant reference materials and resources to support continual learning e.g. manuals, books and/or digital systems.
- h. AAs attend regular experience-sharing meetings with other AAs.
- i. Experience-sharing meetings are led by the scheme coordinator and supported by experienced AAs.
- j. The input of AAs into the development of the scheme is actively sought and acted upon.
- k. Where possible, AAs have the opportunity to experience alternative custody suites, either through direct practise or shadowing.
- l. The scheme is a member of the National Appropriate Adult Network.

Risks

- AAs are less effective because their knowledge and skills become out of date over time as changes occur and they do not learn from the knowledge and experiences of other AAs, police and others working in custody.

References

- *Research: Children's Commissioner 2017*

4.2 Supervision and support

Standard

AA's individual development and support needs are quickly identified and effectively addressed.

Indicators

- a. AAs have regular individual (one-to one) supervision/support sessions, according to their level of need.
- b. Records are kept of individual supervision/support sessions, needs identified and actions agreed.
- c. Individual development needs are factored into call outs (e.g. starting with less serious cases, providing additional support with initial serious cases).
- d. AAs receive supervision/shadowing visit according to need (minimum one per year).
- e. AAs are provided with support when there are conflicts with police officers and staff or other professionals (either in relation to custody or voluntary interviews).
- f. AA turnover is low and feedback is positive (AAs report feeling well supported).

Risks

- AAs are less effective or leave the scheme because their individual needs are not identified and addressed.

References

- *Research:* Children's Commissioner 2017

4.3 Whistleblowing (confidential reporting)

Standard

The scheme encourages, enables and supports whistleblowing by AAs at the earliest opportunity and provides them with appropriate protections.

Indicators

- a. There is a written whistleblowing policy that encourages confidential reporting of concerns about a miscarriage of justice, suspected misconduct, illegal acts, danger to health and safety, risk or actual damage to the environment, failure to act or other unethical conduct.
- b. AAs have access to the policy and understand its content and implications.

Risks

- AAs or others identify suspected misconduct, illegal acts or failure to act within the scheme but do not report it due to feared negative implications for them and/or colleagues.

References

- *Guidance: Gov.uk 2018b*

4.4 Health & safety

Standard

Risks to the health and safety of AAs are identified and effective mitigating actions are taken.

Indicators

- a. There is an effective, up-to-date, written health and safety policy for the scheme, recognising the scheme's duty of care to its AAs.
- b. The policy is covered in initial training and referenced in ongoing training, development and supervision meetings.
- c. The policy includes:
 - information about when AAs should pass on information to police which may have an impact on their assessment of health and safety risks relating to a person in custody
 - a risk assessment for the role of AA and scheme coordinator, reviewed and updated annually or whenever there is a significant change.
- d. The risk assessment includes
 - the specific risks and mitigating actions relevant to the scheme (e.g. in custody, voluntary interviews at other locations, terrorism-related cases, health risks, vaccinations)
 - the potential for the role to involve highly stressful or traumatising events
 - the primacy of the police in relation to responsibility health and safety in the custody suite and during voluntary interviews.
- e. AAs have access to existing professional counselling services (e.g. local authority or police force welfare) if required as a result of being involved in a traumatic case.
- f. AAs are aware of the health risks and are advised to seek medical advice and take appropriate actions before acting in the role (e.g. with regard to vaccinations).

Risks

- The risks to an AAs health and safety are not understood and appropriate precautions are not taken.
- An AAs health and safety is compromised.
- Legal action is taken against the scheme for a failure in its duty of care.

References

- *Case law*: Leach 1999

4.5 Rotas

Standard

The utilisation rate for individual AAs balances the benefits of regular practise with the risks of overuse.

Indicators

- a. The roster of AAs and rota arrangements are actively managed by the scheme coordinator to ensure each AA is:
 - available for a minimum of 16 hours per month
 - not overused or over relied upon.
- b. AAs report feeling that the level of activity:
 - enables them to remain confident in fulfilling the role effectively
 - prevents them from feeling over-used.

Risks

- AAs can become less effective if they are used too often (e.g. 'burn out', over-familiarity with police) or not used enough (loss of confidence and forgotten knowledge).

References

- N/A

4.6 Expenses

Standard

All expenses generated by AAs are reimbursed according to a clear policy.

Indicators

- a. There is a written expenses policy.
- b. All expenses are paid in line with the policy.
- c. There is a standardised expenses form.
- d. Expenses are paid for all out of pocket expenses on the production of specific receipts and never as a fixed allowance.
- e. All AAs claim all their expenses.

Risks

- AAs and coordinators are confused about what expenses payments may be made and payments are inconsistent.
- AAs are out of pocket.
- The true cost of the scheme is hidden because AAs do not claim, preventing accurate assessments of budget requirements.

References

- N/A

4.7 Volunteers

Standard

A scheme which uses volunteers recognises their added value, understands their legal position and treats them fairly.

Indicators

- a. There is a volunteer policy that ensures that:
 - there is a clear distinction between paid staff and volunteers
 - the unique contribution of volunteers is clearly defined and valued
 - the legal position of volunteers is understood and supported
 - volunteers are treated fairly
 - there is a clear process for volunteers to raise concerns and grievances.
- b. There is a written volunteer arrangement (explicitly not a contract) that:
 - sets out the reasonable expectations (rather than mutual obligations) of the scheme and the volunteer
 - includes no 'consideration' (e.g. perks, benefits, training or qualifications not linked to the role, fixed expense payments or other remuneration)
 - ensures that, though asked to provide their availability, volunteers are clear that they are under no obligation to carry out the role at any time.
 - sets out a clear process for the termination of the agreement.

Risks

- Employment contracts are created unintentionally with a volunteer (e.g. due to language used, expectations, or payments).
- Volunteering is used to undermine paid labour / job substitution.

References

- *Case law*: Hafal Ltd v. Lane-Angell 2018
- *Guidance*: Gov.uk 2018; NCVO 2015

4.8 Social media

Standard

The scheme has a clear policy on the use of social media to maximise understanding of the role of AAs and minimise the risks to service users, AAs, the providing organisation and the wider justice system.

Indicators

- a. The scheme has a written policy on the responsible use of social media by the scheme and individual AAs. This may include, for example:
 - aims of using social media in relation to the scheme (e.g. publicising the role, public education, celebrating success, supporting recruitment, exchanging ideas)
 - definition (e.g. blogs, micro-blogs, social networking, content-sharing, forums)
 - scope (i.e. covering personal and AA role related social media accounts)
 - risks of using social media
 - permission for setting up scheme related social media accounts
 - personal and professional boundaries (e.g. accepting service users as 'friends')
 - use of police or scheme images (e.g. logos)
 - any monitoring that will take place
 - any training and/or guidance that will be provided
 - the procedures for solving problems that have been identified.
- b. The policy takes account of the legal differences between volunteers and paid AAs (see [4.7 Volunteers](#)) (where both types of AA are used there may need to be separate policies).
- c. AAs are provided with training and/or guidance on applying the policy.

Risks

- Revealing material or tactics related to police investigations which may affect an ongoing or future investigation or court case.
- Revealing the location of a suspect or a facility including through the use of automatic geo-location and especially in terrorism-related investigations.
- A breach of trust or loss of public confidence in the scheme, including in its independence from the police.
- Revealing personal information which may increase the risk to the AA, a suspect or third party.
- Unauthorised disclosure of personal data constituting a breach of legislation e.g. data protection laws.

References

- *Guidance*: Association of Chief Police Officers (*now NPCC*) 2013; British Association of Social Workers 2012

Standards

5: Service Provision

5.1 Accessing the service

Standard

The method for requesting an AA is understood by police and supports independence of provision and the safety of the AA.

Indicators

- a. The scheme provides police with:
 - a single number to call when they require an AA; or
 - separate numbers to call for in/out of hours; or
 - a written rota setting out which AA to contact directly at any given time.
- b. Where the service manages which AA will attend, access is not dependent on the 24/7 availability of a single coordinating person (e.g. the scheme coordinator).
- c. Where police are provided with a rota with AA contact numbers:
 - the correct AA is always contacted (AAs not on the rota are not contacted and placed under pressure to attend)
 - if the correct AA is unresponsive, there are protocols for the police to follow (see [5.9 Backup and escalation](#))
 - The AA's personal contact details are never entered onto the custody record.
- d. The scheme coordinator monitors police compliance.

Risks

- Police are unsure how to contact the scheme.
- Police are unsure which AA to contact.
- Police contact their preferred AAs rather than those on rota.
- Police contact AAs not active on the rota, who feel under pressure to respond.
- AAs do not inform scheme coordinator of direct off-rota contact by police.
- Personal contact numbers for AAs are placed on the custody record and therefore made accessible to detained people.
- The scheme manager is expected to be available 24/7 to take requests.

References

- *Legislation:* DPA2018, GDPR

5.2 Hours of operation

Standard

Children (under 18) and vulnerable persons receive the support of an AA to protect their interests whenever it is required.

Indicators

- a. Provision is structured and fully resourced to ensure the availability of an effective AA 24 hours a day, 7 days a week, 365/6 days a year.
 - b. AAs attend whenever required, in order that they can make an assessment of the best interests of a child (under 18) or vulnerable person on a case by case basis.
 - c. Where AAs consider that a person would be disadvantaged because they are unable to participate fully and effectively in a procedure (e.g. interview), they first raise concerns with the custody sergeant and discuss options (e.g. RUI or bail); then either:
 - record their concerns on the custody record and/or interview recording; and/or
 - advise the custody sergeant that they will not support the procedure with their presence
 - d. The scheme seeks to develop an agreement with police regarding force policies and practices. which have an operational impact on delivering an effective and efficient AA service. For example, this may cover:
 - making a request for an AA as soon as is practicable
 - considering in advance the likely need for an AA in relation to pre-planned arrests
 - considering the need for an AA when expediting cases
 - seeking to avoid unnecessary overnight detentions
 - ensuring rest periods are timed in detained people's best interests
 - respecting AA views on alertness of a person before interview.
- Where alternative provision is relied upon during certain hours, it also complies with these national standards.

Risks

- Children and vulnerable persons experience poorer outcomes, longer detention times including unnecessary overnight detentions, delayed investigations, or even a total lack of an AA because services are not available when required.
- However, if police are confident that an AA will always be available on demand, they may be less likely to: expedite cases; consider appropriate arrest times; consider the alertness of an individual when choosing when to interview; contact an AA as soon as is practicable as required by PACE.

References

- *Research:* Pierpoint 2008, Children's Commissioner 2017
- *Standards:* YJB 2013
- *Inspectorates:* CJI 2011; CJI 2014; HMI 2015
- *Guidance:* YJB 2014
- *Other:* IOPC 2016a; 2016b; United Nations Convention on the Rights of the Child Art. 37

5.3 Response times

Standard

Children and vulnerable persons receive AA support with the shortest possible delay

Indicators

- a. Provision is structured, fully funded and resourced to ensure the timely availability of an effective AA.
- b. In case of arrest and detention, AAs arrive as soon as possible after the police request is made, normally within one hour and always within two hours (schemes are not responsible for any delay in a request being made by police).
- c. AA provision is not delayed pending the arrival of a legal representative or police officer
- d. In pre-arranged cases, AAs arrive at the scheduled time.
- e. Where alternative methods of provision are relied upon during certain hours, it also complies with these and other relevant national standards.

Risks

- Person detained for extended period without understanding of, or ability to execute, their rights and entitlements.
- Impact upon the person's psychological well-being (including risk to evidence).
- Impact on police/lawyer perceptions of the AA safeguard.
- Police encouraged to go ahead with interview with no AA (on current or future occasion).
- Other procedures (e.g. searches, samples, ID) cannot take place or take place without an AA (breach of PACE).

References

- *PACE Codes*: C (3.15)
- *Research*: Palmer 1996; Hodgson 1997; NAAN 2015; Jessiman and Cameron 2017; Children's Commissioner (2017), Dehaghani in progress
- *Inspectorates*: CJI 2009; HMIC 2015

5.4 Geographical coverage

Standard

Children (under 18) and vulnerable persons receive the timely support of an effective AA irrespective of the location of their home, the alleged offence and/or the police custody suite.

Indicators

- a. The scheme has funding arrangements which ensure it is able to respond to all requests for detentions and voluntary interviews carried out in all locations within its area of operation.
- b. At the point of need, the availability of an AA is not dependent on the postcode in which a person usually, resides, was arrested in, or in which the crime was alleged to have been committed, including a person's status as a looked after child outside their home area (see [1.4 Finance](#)).
- c. Where a custody suite serves more than one area, there are written agreements between, AA providers and any commissioners.

Risks

- Children and/or vulnerable persons do not have access to support from an effective AA due to confusion caused by their home postcode, the location of the offence, the location of the custody suite, or their status as a looked after child outside their home area.

References

- *Legislation*: CDA 1998
- *Guidance*: YJB 2014

5.5 Locations

Standard

AA support is available for voluntary interviews and for those detained in police custody or elsewhere.

Indicators

Where required, AAs are available, either from a single or multiple services, for:

- a. detentions and interviews in police custody (including dedicated TACT suites)
- b. voluntary interviews in police stations
- c. voluntary interviews in civic buildings and people's homes where it is safe and in the best interests of the individual (see [4.4 Health and safety](#) and [5.11 Scope of support for voluntary interviews](#))
- d. interviews in prisons, young offenders institutions, secure training centres and secure children's homes within the area.

Risks

- Children and vulnerable persons do not have access to support from an effective AA due to the service not supporting interviews in certain locations, despite the right to the AA safeguard remaining the same.

References

- *Legislation*: CDA 1998
- *PACE Codes*: C (1A)
- *Case law*: Maguire 1990
- *Guidance*: YJB 2014

5.6 Offences

Standard

An effective AA service is provided irrespective of the type of offence(s) involved in the investigation.

Indicators

- a. Sufficiently knowledgeable and experienced AAs are available in a timely fashion for all offence types.
- b. The scheme provides AAs with sufficient training and experience to act for any offence type.
- c. AAs are not sent out without support if they do not have sufficient knowledge and experience to act in a specific case.
- d. There is a process by which, in exceptional circumstances, AAs are able to hand over to an alternate if they feel their ability to act in a person's best interest is compromised in any way.

Risks

- Children and vulnerable persons suspected of committing a serious offence receive ineffective support due to the AA being inadequately prepared (either technically or psychologically).
- Health and safety risks to AAs, which may give rise to civil legal action against the scheme (see [4.4 Health and safety](#)).

References

- *Case law*: Leach 1999

5.7 Gender

Standard

The gender of the AA matches that of the person whenever required by the PACE Codes.

Indicators

- a. The scheme matches the gender of the AA to that of the person whenever there is a likelihood of the following procedures being undertaken after the AA arrives:
 - A strip search
 - An intimate search at a police station
 - An intimate sample involving the removal of clothing in circumstances likely to cause embarrassment.
- b. When a request for an AA is received, the scheme collects information from the police about the person's gender and the likelihood of a strip or intimate search or intimate sample.
- c. In the case of a person who identifies as being trans, intersex or non-binary gender, the AA should be of the gender of their preference as determined by police (see [3.4 Equality and diversity](#)).

Risks

- Police unable to comply with PACE Codes during a strip/intimate search/sample because supplied AA is not the same gender as the person.
- Person is forced to have no AA because they are not the same gender.

References

- *Legislation*: EA 2010 s. 149
- *PACE Codes*: C (1.0, 1.13(c), 1AA, Annex A 5, 11, Annex E 12, Annex L); D (6.9); H (1.0, 1.17(c), 1AA, Annex A 6, 12, Annex E 10, Annex I)
- *Research*: Jessiman and Cameron 2017
- *Guidance*: College of Policing APP 2015

5.8 Conflicts of interest

Standard

AAs do not have any conflicts of interest when supporting a person.

Indicators

- a. The scheme has a clear protocol for managing potential conflicts of interest, actual or perceived; e.g. -
 - An AA applicant is a former police officer, closely related to a police officer, or is employed in a role inside police custody such custody healthcare or liaison and diversion (see [2.3 Selection](#) and [2.5 Independence](#))
 - The AA is otherwise involved in the investigation (e.g. as a victim or possible witness)
 - The person is known to the AA and this may have a negative effect (particularly where the person is unhappy for them to act as AA).
- b. The scheme has a clear protocol for managing situations in which an AA is being asked to support people who are co-accused. This should include:
 - checking with police that it is acceptable to have a single AA for co-accused
 - ensuring that all people being supported fully understand the situation and the nature of the AA's duty of confidentiality
 - if practical, holding all initial private consultations before any interviews take place.

Risks

- The effectiveness (actual, potential or perceived) of an AA is reduced due to a potential conflict of interest.
- An AA transfers, or is accused of transferring, information between co-accused people and this places evidence at risk.

References

- *PACE Codes*: C (11.16, 1B, 1C, 1F); H (1B, 1C, 1F)

5.9 Back up and escalation

Standard

Appropriate back up is available when required to deal with highly complex, contentious or serious matters.

Indicators

- a. The scheme has a strategy to minimise the need to access back up, for example:
 - effective initial training (see [Section 3](#))
 - regular support and development (see [Section 4.1 to 4.4](#))
 - access to advice resources such as manuals or digital systems (see [4.1 Development](#)).
- b. AAs have access to emergency back up at all times.
- c. Remote back up is provided where appropriate (e.g. minor matters, emergencies), with the potential for physical attendance where required.
- d. There is a clear process for escalation of issues within the scheme and the police force.

Risks

- In order to act effectively, an AA may occasionally require real-time support and advice from an experienced source in order to deal with a highly complex, contentious or serious matter
- Police officers may need to escalate issues related to AA provision, such as if there is a lack of response from an AA on a rota, or police are concerned about the behaviour of an AA

References

- N/A

5.10 Scope of support in custody

Standard

Children (under 18) and vulnerable persons are supported throughout a detention episode.

Indicators

The scheme is structured and resourced appropriately to ensure that an AA is available in good time (see [5.3 Response times](#)) when required for the processes defined in the PACE Act and its Codes, including but not limited to:

- a. rights and entitlements at the earliest opportunity (see [6.6 Rights and entitlements](#))
- b. private consultation (this should be at the earliest opportunity, prior to interview and at any time on the request of the person, see [6.7 Private consultation](#))
- c. identification procedures, including the request for and giving of consent (see [6.11 Photos, fingerprints and DNA](#))
- d. taking of samples (see [6.12 Searches and samples](#))
- e. strip search, except in urgent cases with a risk of serious harm (see [6.12 Searches and samples](#))
- f. intimate search (see [6.12 Searches and samples](#))
- g. caution, interview and statement signing (see [6.10 Interviews](#))
- h. reviews and extensions of detention, including consent for the use of live-link (see [6.9 Minimising detention and its impact](#) and [5.14 Remote support](#))
- i. charging / disposals and related actions, including decisions about bail, local authority transfers and cautions or conditional cautions (see [6.13 Disposals](#), [6.14 Post-charge bail](#), [6.15 Disposals](#) and [5.14 Remote support](#)).

Risks

- Children and vulnerable persons have poorer experience and outcomes because AAs only provide support during and around certain procedures (e.g. the interview).
- Breaches of PACE due to lack of AA presence during procedures required under the Act/Codes.
- Certain procedures are perceived as higher priority for AA presence (typically interviews). Gaps between these procedures are perceived as time wasted by AAs and consequently AAs are not requested and/or provided when needed.
- Also see risks associated with standards [5.2 Hours of operation](#) and [5.3 Response times](#).

References

- *Legislation*: PACE 1984 s.63B, s.65; CJA 2003; CDA 1998 s.38, s.66ZA, s.66B
- *PACE Codes*: C (1.7A, 1A, 3.15, 3.17, 6.5A, 10.12, 11.12, 11.15, 11.17, 15.2A(c), 15.3(c), 16.1, 17.7, Annex A 2B, 5, 11(c), Annex E 2A, 3, 7, 8, 10, 11, 12, E3); D (2.3, 2.4, 2.14, 2.15), H (1.13A, 1A, 3.2(b), 3.17, 3.18, 3.19, 10.10A, 10.11, 11.2, 11.9, 11.10, 11C, Annex A 6, 12(c), Annex B B1, Annex E 2A, 3, 6, 7, 9, 10, E3)
- *CJA Codes*: MoJ 2013 (4.1.4, 16.1, 16.3); MoJ 2013a (3.8)
- *Research*: Cummins 2007, Children's Commissioner 2017
- *Guidance*: Home Office 2003
- *Standards*: YJB 2013
- *Other*: IOPC 2012

5.11 Scope of support for voluntary interviews

Standard

Children (under 18) and vulnerable persons are supported throughout a voluntary interview and related procedures.

Indicators

- a. The scheme is structured and resourced appropriately to ensure that an AA is present as required under the PACE Codes for voluntary interviews and related procedures including⁴:
 - when police provide the person with verbal and written pre-interview information including their rights and entitlements (e.g. interview purpose, offence information, legal advice, requirement for an AA, right to interpreter) (see [6.6 Rights and entitlements](#))
 - for a private consultation prior to interview and at any other time on the request of the person (see [6.7 Private consultation](#))
 - when the person's informed consent to be interviewed is sought and provided
 - when the person is cautioned (or it is repeated before the interview) (see [6.10 Interviews](#))
 - during the interview or for statement signing (see [6.10 Interviews](#))
 - for other procedures related to the investigation where necessary e.g. identification, samples, charging, out of court disposals.
- b. Support during a voluntary interview is subject to assessment of the risks to the AA (See [4.4 Health and safety](#)) and to the person being interviewed.

Risks

- Children and vulnerable persons experience poorer outcomes because AAs are not available for voluntary interviews, or do not service them effectively.
- The applicability of the AA safeguards to PACE procedures conducted outside of custody is not recognised or understood.
- Children and vulnerable persons experience poorer outcomes due to the risk of reduced safeguards in a voluntary interview versus custody (e.g. informal settings, access to legal advice, access to liaison and diversion and healthcare settings).

References

- *PACE Code C*: (1.7A, 1.10, 1A, 3.21(b) 3.21A(c), 3.21B(d)(i)-(iv), 3.22A, 3.22B, 3I, 11.17)
- *Case law*: Fogah 1989; Maguire 1990
- *Research*: Cummins 2007

⁴ There is no requirement for a person to have the same AA for all purposes and procedures. Non-scheme AAs, such as family members may be more appropriate or practical AA options in relation to certain elements, even if they do not act as AA for the interview. Where more than one scheme AA is used in relation to one person in one investigation, there should be a handover of information (see [standard 6.18\(d\)](#)).

5.12 Inter-agency protocols

Standard

The AA scheme works in close and effective partnership with other local agencies to further the best interests of the children (under 18) and/or vulnerable persons they support.

Indicators

- a. The AA scheme is included in local inter-agency working protocols which clearly set out respective roles, boundaries, processes and expectations; including for example:
 - police custody and investigations
 - youth offending team
 - children's services
 - adult social care
 - local authority accommodation team
 - liaison and diversion
 - custody healthcare.
- b. Complementary services in the local area have been identified and there are agreed referral pathways.

Risks

- Some schemes, particularly those in the public sector have direct access to services that others do not and this can affect outcomes.
- The AA scheme does not work collaboratively with other local agencies in the best interests of a person.
- Other local agencies do not understand the AA role.
- AAs provide inaccurate or ineffective referrals to other services.

References

- *Research*: Kemp and Hodgson 2016; Jessiman and Cameron 2017
- *Inspectorates*: CJI 2011
- *Guidance*: YJB 2014; United Nations Convention on the Rights of the Child Art. 37

5.13 Information sharing and confidentiality

Standard

Information sharing between AAs, scheme coordinators, police and youth offending team and/or social services supports the objectives of AA provision and the needs of the person being supported.

Indicators

- a. There is a detailed written policy on confidentiality, data-sharing and consent to share, focused on achieving best outcomes for a person and this is applied by the scheme and its partners.
- b. Information sharing is timely, appropriate and compliant with data protection legislation and guidance.
- c. AAs are clear and confident about when and with whom information can, should and may not be shared.
- d. Wherever possible, AAs have access to appropriate information about a child or adult from relevant sources (i.e. police, youth offending team, social services) before attending custody or a voluntary interview (see [5.12 Inter-agency protocols](#) and [6.3 Initial information on request](#)).
- e. Where appropriate and legal, information about a child or adult gained by the AA is shared with the YOT/social services in a timely fashion.

Risks

- AAs do not have access to available relevant information before attending (and therefore do not understand their needs).
- Relevant information gathered by the AA (with consent) is not passed back to relevant services.
- Sharing of information (for example for management information purposes) breaches data protection legislation and/or the common law duty of confidentiality.

References

- *Legislation*: DPA 1998
- *Case law*: A Local Authority vs B 2008
- *Research*: Jessiman and Cameron 2017
- *Inspectorates*: CJI 2011

5.14 Remote support

Standard

Remote support is only ever used to enhance and not replace the physical presence of an AA and only where it is clearly in the best interests of a person who is in custody.

Indicators

- a. AAs are physically present wherever possible. Any remote support is used to enhance support and with the agreement of the person being supported.
- b. Remote support does not replace rapid initial physical attendance after receiving a request for an AA (this does not prevent an initial remote conversation between the AA and person in custody, for example to understand their needs or to discuss a request for legal advice).
- c. Before using remote support, AAs discuss it face-to-face with the individual and assess its appropriateness for them, taking into consideration the context and their needs.
- d. Remote support is only used for children in exceptional circumstances where it is clearly in their best interests.
- e. If an AA leaves a police station during a period of detention, they (or a representative of the scheme on their behalf) will:
 - contact the relevant police officer at least every 45 minutes for an update unless the case has been referred to the CPS
 - remain constantly available to allow police to give them sufficient notice of the time an action (e.g. review, charge) will take place⁵.
- f. The AA will remain or return if at any point:
 - the person wishes them to be present
 - the AA, police or legal representative believes it is in the suspect's best interest
 - there is a likelihood of a local authority accommodation transfer being required.
- g. Arrangements for remote support take account of the need for:
 - privacy and confidentiality, at both the location of the person and the AA.
 - handover protocols to be followed (see [6.18 Rest periods and handovers](#)).

Risks

- Person receives no support with charge/bail/ accommodation transfer because AAs waiting (or providing a second AA for charge) is not considered cost-effective by funders.
- Providing a second AA for charge causes disruption for the person supported.
- Loss of non-verbal communication (communication is ineffective).
- Loss of 'human connection' that research shows vulnerable persons value most highly.
- Lack of presence reduces pressure on police to expedite case.

References

- *PACE Codes*: C (16C)
- *Research*: Jessiman 2017
- *Standards*: YJB 2013
- *Other*: United Nations Convention on the Rights of the Child Art. 37

⁵ Under Code C 16C (Charging), police should make reasonable efforts to give the AA sufficient notice so that they can be present and if the AA cannot be present at that time, the person should be released on bail to return for the decision to be implemented when the AA can be present.

5.15 Managing periods of high demand

Standard

There are arrangements to respond effectively and efficiently to periods of high demand; the risks are mitigated.

Indicators

- a. Standard arrangements provide a quick response (see [5.3 Response times](#)), sufficient AAs are available to meet normal demand ([4.5 Rotas](#)) and there are robust systems for responding to occasional unexpected surges in demand (see [5.9 Backup and escalation](#)).
- b. The police force and scheme coordinator share information about levels of demand over time and seek to identify trends to inform service provision.
- c. AA services are not based in police custody on a regular or permanent basis. However, where there is strong evidence that there is likely to be a high level of demand on a specific day/time (e.g. significant public order events, large scale pre-planned arrests) the scheme considers making experienced AAs available at relevant sites in advance and for the relevant period.

Risks

- Simple and timely access to AAs is critical. However, if AAs are actually based in custody, the shared working environment and experiences increase the risk that they see themselves (and are seen by police) as part of custody staff team. They develop a natural sympathy for the police's perspective and circumstances. A culture of 'teamwork' develops that can conflict with independence. AA work becomes part of the process (rather than a safeguard). There can be conflicts of interest when something negative needs to be reported about actions in custody (which may not even be noticed). The lack of independence reduces effectiveness.
- Children and vulnerable persons, particularly the most vulnerable, do not perceive AAs who are based in custody as independent. They see them as part of the 'police team'. As a result they are less trusting and more reluctant to engage with the AA, thereby reducing the AA's effectiveness.
- Inefficient use of resources if not fully utilised. Requirement for dedicated facilities in custody suite in order to prevent inappropriate interactions with police. Necessity to have one male and one female to respond where PACE requires gender-matching.

References

- *Research*: Pierpoint 2008
- *Inspectorates*: HMIC 2015 (*in relation to healthcare professionals based in custody*)

5.16 Working with parents and carers

Standard

Children (under 18) and/or vulnerable persons have the most appropriate person as their AA and do not experience poorer outcomes as a result of the source of their AA.

Indicators

- a. The scheme has a system in place to check why a relevant person is not acting as AA (in the case of a child this would be the parent, guardian or representative of the caring authority or organisation of a looked-after child; or in the case of an adult the relative, guardian or person responsible for their care).
- b. The scheme considers contacting a relevant person (as described above) who the police have found to be unavailable, unwilling or inappropriate to act as AA only with the prior consent of the police and the child or adult.
- c. Where a relevant person wishes to act in the role, the scheme offers them independent advice and support, remotely or in person, which may include an explanation:
 - of the rights and entitlement of the child or adult
 - of the role, purpose and rights of the AA
 - of the nature and key elements of the PACE Codes.
- d. Where the relevant person has been contacted (by police or the scheme) but is not able to fulfil the role of AA, the scheme asks them for any information relevant to supporting the child or adult (only with the prior consent of the child or adult).

Risks

- In the case of children (under 18), PACE 1984 (which uses the term 'juvenile') prioritises parents in the role of AA. For adults, the PACE Codes indicate it may be more satisfactory if the AA is someone experienced or trained rather than a relative (subject to the person's wishes). However, this has cost implications and is not always possible. Research has found problems with the use of parents as AAs for children include; a misunderstanding of the AA role, the threat of physical violence towards their child, pressure on their child to confess, aggression towards police and their involvement in ongoing family conflicts. This can lead to differential outcomes depending on the source of the AA.
- Untrained AAs are reliant on police for an explanation of the AA role and the PACE Codes. Police officers are not always well informed regarding the AA role. The interaction between police and untrained/family AAs often takes place under significant emotional and time pressures.
- In practice, organised schemes are asked to provide AAs when parents are available and appropriate where it is a more convenient source for police.
- Trained AAs are well-sighted on PACE but parents (etc.) have relevant information about the specific person being supported.

References

- *Legislation*: PACE 1984
- *PACE Codes*: C (1.7, 1D); H (1.13)
- *Research*: Dixon et al 1990; Brown et al 1992; Evans 1993; Littlechild 1995; Bean 1997; Bucke and Brown 1997; Pierpoint, 2006; Dehaghani in press
- *Guidance*: YJB 2018

Standards

6: Effective Practice

6.1 Overall function

Standard

The person is treated fairly by police with respect for their rights, entitlements and welfare and is able to participate effectively in procedures related to the investigation and any period of detention.

Indicators

Appropriate adults:

- a. safeguard the rights, entitlements and welfare of the person being supported
- b. support, advise and assist the person whenever they are given or asked to provide information or participates in any procedure, including giving emotional support
- c. observe whether the police are acting properly and respecting the person's rights and entitlements, and inform an officer of the rank of inspector or above if they consider that they are not
- d. assist them to communicate whilst respecting their right to say nothing unless they want to
- e. ensure the person understands their rights and that those rights are protected.

Risks

- People are subjected to poor treatment or abuses of police powers, including breaches of human rights and PACE.
- People are unable to effectively participate in procedures and processes including, but not limited to, interviews.

References

- *Legislation*: CDA s.38(4)
- *PACE Codes*: C (1.7A, 1F, 11.17); H (1.13A, 1F)
- *Case law*: Aspinall 1999; Brown (Delroy) 2011
- *Research*: Jessiman and Cameron 2017
- *Guidance*: Home Office 2003
- *Other*: UNCRC Art. 4, 19, 37, 40, 42; UNCRDP Art. 13

6.2 Acting independently

Standard

AAs demonstrate their independence from police through their interactions with children and vulnerable persons, police and other professionals.

Indicators

Appropriate adults:

- a. Do not act simply as passive observers and use their rights and powers effectively, appropriately, proactively and assertively (but do not unreasonably obstruct proper questions).
- b. Are non-judgemental, respectful of culture, calm, caring, supportive, protective, trusting and trustworthy.
- c. Explain to the person that inactivity (e.g. not intervening at a point in interview) may be justified but that they should signal to the AA if they are concerned.
- d. Have positive working relationships with police and other professionals.
- e. Actively guard against over-familiarity, compliance, acquiescence or other undue influence in their relationships with police and other professionals.
- f. Explain to the person which organisation they represent (including their status as a volunteer where appropriate) and how they are independent from police.
- g. When communicating with police and other professionals in the presence of the person being supported, consider the potential impact on their perceptions of AA independence during rest periods and other inactivity in custody, locate themselves in places which make clear their independence from police.

Risks

- AA effectiveness is limited by a lack of independence from police (actual or perceived) or a lack of empathy for the person supported, either of which damages the person's trust.

References

- Legislation: PACE 1984 (s. 77(1)(b)(ii), 77(3))
- *PACE Codes*: C (1F, 11.17A, 11F); Code H (1F, 11.10A, 11F)
- *Case law*: Blake 1989
- *Research*: Evans 1995 Pierpoint 2000, 2001; Kemp and Hodgson 2016; Jessiman and Cameron 2017; Dehaghani in press
- *Inspectorates*: CJI 2011; HMIC 2015

6.3 Initial information on request

Standard

At the point they are requested to attend, AAs obtain information which enables an effective and timely response.

Indicators

- a. At the point of request, the AA secures (directly from police or via the scheme) basic information (see [5.13 Information sharing and confidentiality](#)) e.g.:
- person's name, age, gender, disability and/or particular needs
 - the alleged offence (type, PACE or TACT, recent or historical)
 - known safeguarding issues or risk factors
 - whether there are multiple people who require an AA
 - the likelihood of a strip or intimate search being conducted (see [5.7 Gender](#) and [6.12 Searches and samples](#))
 - whether legal representation has been requested (see [6.4 Securing legal representation](#)).

Risks

- AA is delayed or is less effective due to a lack of basic information.
- AA is unprepared for the needs of the person or investigation (e.g. seriousness, length, multiple people, the different rules under PACE and TACT).
- AA is unaware that the person is known to services and does not access information.
- The scheme is unable to match gender for strip/intimate search.
- Request for legal advice is unnecessarily delayed.

References

- *PACE Codes*: C (1.4(c)); H (1.10(c))
- *Research*: Pierpoint 2001; Thomson, Galt and Darjee 2007; Jessiman and Cameron 2017

6.4 Securing legal representation

Standard

AAs ensure that a legal representative is requested for the person they are supporting (in custody or voluntary interview) whenever it is in that person's best interests.

Indicators

- a. AAs understand the difference between the advice they are able to provide and legal advice and do not provide anything that could be considered legal advice.
- b. AAs attend irrespective of whether a person has requested legal representation themselves (see [6.3 Initial information on request](#)).
- c. Where legal representation has not initially been requested by a person:
 - AAs discuss objections, explain misunderstandings and allay concerns, ensuring that the person understands the nature and importance of accessing free legal advice
 - where a person continues to decline legal advice, and having considered their best interests, AAs make the request for a legal representative to attend and ensure the police treat this request as if it had come from the person
 - discussions and requests take place either by phone at the point of request for an AA (see [5.14 Remote support](#)) or at the earliest opportunity having arrived at the police station
 - if once the legal representative has arrived and the person has been informed of their arrival they choose not to take legal advice, the AA respects this decision
 - AAs regularly remind a person of their right to legal advice at any time and the AA's right to request it on their behalf.
- d. AAs seek to work collaboratively with legal representatives in the best interests of the person, with mutual respect for each other's roles, responsibilities and objectives.

Risks

- A person fails to request legal advice due to a misunderstanding or other reason connected to their age or other vulnerability (for example, young children are less likely to obtain legal advice).
- AAs do not have legal privilege. A lack of legal representation increases the risk of an unfair outcome for the person and places additional burdens on the AA

References

- *PACE Codes*: C (1.7A, 3.19, 3H, 6.5A); H (1.13A, 3.20, 3K, 6.6)
- *Case law*: Lewis 1996; Aspinall 1999; Brown (Delroy) 2011
- *Research*: Medford, Gudjonsson and Pearse 2003; Pierpoint 2004; Cummins 2007; Pleasence, Kemp and Balmer 2011
- *Inspectorates*: CJI 2014
- *Guidance*: Home Office 2003
- *Other*: United Nations Convention on the Rights of the Child Art. 37, 40

6.5 Custody record

Standard

The custody record accurately reflects the needs of the person who is detained and any significant or unresolved concerns which the AA has regarding the treatment of that person.

Indicators

- a. AAs use their right to access the full custody record and are not dissuaded from doing so.
- b. AAs review the custody record before any private consultation with the person and discuss with the custody officer and person:
 - any possible issues with prior treatment, rights or procedures
 - any possible risks to themselves.
- c. After any period away from custody, AAs re-check the custody record for any matters that have taken place during their absence.
- d. AAs ensure issues which are not resolved and may disadvantage the person are recorded.

Risks

- AAs are not aware of issues with the treatment of a person who is detained.
- The record of custody is inconsistent, inaccurate or incomplete (e.g. a person's needs e.g. in relation to a disability are not reflected).
- Police dissuade the AA from accessing the full custody record (e.g. due to printing costs, lack of staff time, confusion over access rights).

References

- *PACE Codes*: C (2.4); H (2.5)
- *Inspectorates*: HMIP & HMICFRS 2016

6.6 Rights and entitlements

Standard

The person understands and can exercise their rights and entitlements.

Indicators

- a. AAs respond as quickly as possible to a request to attend custody, arriving at the earliest opportunity ([see 5.3 Response times](#)).
- b. AAs ask police to repeat explanation of rights and entitlements as soon as is practicable.
- c. AAs ensure that the person:
 - is properly informed by police
 - understands their rights (by asking them relevant questions and checking responses).
- d. feels confident in exercising their rights.

Risks

- People have difficulty understanding their rights and entitlements.
- People accept or act on suggestions from others without consciously knowing or wishing to.
- People become confused or unclear about their position.

References

- *PACE Codes*: C (1.7A, 1.13(d)(i), 1F, 3.1, 3.17); H (1.13A, 1.17(d)(i), 1F, 3.1, 3.18)
- *Research*: Hodgson 1997; Cummins 2007; NAAN 2015; Jessiman and Cameron 2017
- *Inspectorates*: CJI 2009; HMIC 2015
- *Other*: United Nations Convention on the Rights of the Child Art. 42

6.7 Private consultation

Standard

The person understands their position and how the AA can support them; the AA understands the person's individual needs and how they can be supported effectively.

Indicators

- a. AAs hold a private consultation with the person as soon as is practicable and, taking into account their specific needs and vulnerabilities:
 - build rapport effectively
 - do not assume prior knowledge, even if a person has been a suspect before
 - consider how the label 'appropriate adult' may be interpreted negatively by a person
 - explain the nature and boundaries of their role including confidentiality
 - check basic needs have been met (e.g. food, drink, use of toilet, access to medication)
 - read and discuss the notice of rights and entitlements and ensures understanding
 - ensure understanding of the reason for detention but prevent discussion of the allegations
 - discuss legal representation
 - make an assessment of support needs including asking the person about how they are currently affected and what would help them
 - explain and actively check understanding of the caution prior to interview
 - provide information about how to make a complaint about the police and/or the AA provision (at the time or in the future)
 - bring matters of concern to the custody officer, taking account of consent.
- b. AAs are aware of the fact that people for whom an AA is required are more likely to have difficulty in processing and retaining all the information above, and regularly remind a person of their right to consult privately with them at any time.

Risks

- The person does not know their AA and does not understand their role or trust them.
- The AA is not aware of poor treatment of the detained person prior to their arrival.
- The person does not understand their rights, the reason why they are being detained.
- The person makes an admission to the AA which causes issue with confidentiality or otherwise reduces the effectiveness of the AA.
- The AA does not understand the person's need or how they would like to be supported.
- The person requires advice from the AA.
- Some people face barriers in relation to police complaints. Vulnerable persons may be less likely to navigate the system. Research shows young people (15-24 years) are less likely to complain and BME people are more likely to be worried about the consequences of complaining.

References

- *PACE Codes*: C (1.13(e), 3.15, 3.21B(d)(iv)); H (3.17)
- *Research*: Rock 2007; IOPC 2016; Jessiman and Cameron 2017; Dehaghani in press
- *Inspectorates*: HMIP & HMICFRS 2016
- *Guidance*: Home Office 2003

6.8 Legal consultations

Standard

The person makes a fully informed decision about whether they would like the AA present during any legal consultation and this decision is respected.

Indicators

- a. AAs explain to the person that they may consult with their legal representative with or without the AA present at their discretion.
- b. AAs ensure that the person understands the risks and benefits of the AA attending (see [3.8 Ensuring rights and welfare](#), [5.13 Information sharing and confidentiality](#), and [6.7 Private consultation](#)).
- c. Where the AA attends by the informed request of the person, they engage constructively with the legal representative to mitigate any concerns and risks to either party (e.g. absencing themselves for part of the consultation).
- d. If the person chooses to meet with their legal representative without their AA present, the AA meets with the legal representative to discuss how best to support the person in interview.

Risks

- AA does not attend the legal consultation despite it being the person's wishes and as a result the person does not understand the legal advice provided and/or the AA is unsure whether person is following advice.
- If the AA attends and feels unable to keep certain information confidential or is unclear as to whether they should, this can present a legal risk to the person, the AA and their organisation. Consultations between suspects and AAs are not subject to legal privilege. However, case law has found that the presence of an AA in a police station legal consultation does not destroy the legal privilege (meaning AAs are subject to it). In addition, AAs operate under the common law duty of confidentiality. This can be breached in certain circumstances and case law has involved a case-by-case analysis of 'public interest' disclosure.

References

- *PACE Codes*: C (1E, 3H, Annex E E1) H (1E, 3K, Annex E E1)
- *Case law*: A Local Authority vs B 2008
- *Research*: Littlechild 1995; Dehaghani in press

6.9 Minimising detention

Standard

A person who is detained is dealt with expeditiously with no unnecessary delays. They are released as soon as the need for detention no longer applies and, in the case of children (under 18) are transferred to alternative accommodation as required by law.

Indicators

- a. AAs gain a detailed explanation of the grounds for detention and continually consider its validity.
- b. At any time, including reviews of detention, AAs make robust representations about the:
 - speed of the investigation
 - fairness, necessity or impact of detention
 - welfare of the person.
- c. AAs seek to ensure that the review officer takes full account of the needs of the person, gives specific additional consideration to conducting a review in person rather than remotely via live link, and does not conduct a review whilst the person is sleeping without justification.
- d. AAs seek to ensure that, where the use live link for authorisation of extended/further detention is sought, all relevant PACE Code safeguards are complied with including AA involvement in considering its appropriateness and informed consent where required.
- e. AAs seek to ensure that efforts to expedite a case do not result in the limiting or overriding of a child or vulnerable person's rights, entitlements and/or effective participation.
- f. AAs ensure effective representations are made in relation to alternatives to detention including release under investigation and pre-charge bail, taking into account vulnerabilities.
- g. AAs seek to ensure children are never placed in cells with adults and are only placed in cells when no other secure accommodation is available in the station and it is not practicable to supervise them out of cell or a cell provides the most comfortable secure accommodation
- h. AAs seek to ensure that police and local authorities comply with their legal duties in relation to the post-charge transfer of children to local authority accommodation.

Risks

- People continue to be detained where there are no grounds for detention.
- Investigations and custody processes are not conducted expeditiously.
- Detention, particularly over longer periods including overnight, has negative mental, emotional, physical impacts conditions increasing the risks in custody and on release.
- Children are detained in cells post-charge, not transferred to local authority accommodation.
- Lack of physical presence of review officer limits effectiveness of review.
- Reviews are conducted by telephone and/or during sleep, without sufficient justification.

References

- *PACE Codes*: C (1.1, 1.1A, 8.8, 15.2-15.3C, 15.11-15.11E, 15H, 16.7, 17.A(a), Annex E 10); H (1.5.1.7, 8.9, 15.1)
- *Research*: Cummins 2007; Pierpoint 2011, Children's Commissioner 2017
- *Government policy*: Home Office 2017
- *Standards*: YJB 2013
- *Inspectorates*: CJI 2011; HMIP & HMICFRS 2016
- *Other*: United Nations Convention on the Rights of the Child Art. 37

6.10 Interviews

Standard

The person is not disadvantaged in interview due to their age or other vulnerability.

Indicators

a. In all interviews, AAs:

- position themselves centrally so that both interviewers and interviewee can be seen
- check the person's understanding of the caution and any special warning
- observe whether the interview is being conducted properly and fairly, including considering whether the interviewing is oppressive in the context of the specific circumstances and vulnerabilities
- do not act simply as an observer and intervene whenever they feel it is necessary and in a person's interests to help them participate effectively or protect their rights and welfare
- facilitate communication by providing assistance to understand and answer questions
- consider the need for professional support ([see 6.17 Professional assessments](#))
- advise the person being interviewed but never provide legal advice
- request a break for private consultation, particularly if the interview is lengthy or the person is distressed, unwell or confused ([see 6.7 Private consultations](#))
- remind the person that they can access legal advice at any time at appropriate times ([see 6.8 Legal consultations](#))
- do not prevent or unreasonably obstruct proper questions being put or responses being recorded (e.g. by answering on the person's behalf or providing replies for them to quote)
- ensure that any unresolved concerns arising prior to or during the interview are recorded in the interview recording.

b. Where a live link is proposed, AAs:

- are familiar with live-link arrangements
- are actively involved in the custody officer's decision as to whether live-link is appropriate
- make effective representations where they are concerned that the person's ability to understand and participate effectively will be, or is being compromised.

Risks

- The person has difficulty understanding or communicating effectively about, the full implications for them of an interview and the exercise of their rights and entitlements. They do not understand the significance of what they are told, of questions they are asked or of their replies. They may: become confused and unclear about their position; provide unreliable, misleading or incriminating information without knowing or wishing to do so; or accept or act on suggestions from others without consciously knowing or wishing to do so.
- Remote 'live link' interview compounds communication difficulties, creating disadvantage.

References

- *PACE Codes*: C 1.7A, 1.13(d)-(e), 11.15, 11.17, 11.17A, 11F, 12.9A, 12ZA, 12ZB, 12C); H (1.13A, 1.17(d), 11.9, 11.10, 11.10A, 11F)
- *Research*: Medford, Gudjonsson and Pearce 2003

6.11 Photos, fingerprints and DNA

Standard

The person makes informed decisions about photos, fingerprints and DNA samples based on an accurate understanding of their nature and implications.

Indicators

- a. In custody AAs ensure that:
 - they are present whenever information is given to or sought from the person
 - the person understands the nature and purpose of any relevant procedure
 - where required, valid and fully informed consent is sought from and given by the person (and a parent etc. in the case of children (under 18))
 - the person is aware of whether reasonable force can be used in relation to a procedure.
- b. In voluntary interviews AAs seek to ensure that, where police seek to take photos, fingerprints or DNA samples, the person first receives legal advice in relation to the need for consent.
- c. AAs ensure that, where appropriate, representations are made either by themselves or a legal representative regarding identification procedures.

Risks

- The person makes decisions about the procedures without an accurate understanding of their nature and/or implications.

References

- *Legislation*: PACE 1984 (s.61(5B), s.63(3A))
- *PACE Codes*: D (2.3, 2.6, 2.12, 2.14, 2.15, 2A, 3.15, Annex A 7, Annex B 8, Annex C 3)
- *Guidance*: College of Policing APP: Voluntary interviews (forthcoming)

6.12 Searches and samples

Standard

Strip / intimate searches and intimate samples are carried out only where legal and necessary, with respect for the person's dignity and with the minimum impact upon them.

Indicators

- a. AAs ensure that:
 - searches and samples are carried out in compliance with PACE provisions, including in relation to the profession and sex of the person carrying out the procedure, and the sex of the AA (see [5.7 Gender](#))
 - the person understands the exact nature and purpose of the procedure and their options including where consent is required, allaying concerns if anxious or upset
 - procedures are carried out with proper regard to the sensitivity, vulnerability and dignity of the person
 - strip or intimate searches are only carried out where necessary following full consideration for alternative, less invasive and potentially traumatic measures, and are not a matter of routine
 - for intimate searches for Class A drugs and intimate samples, that the person gives valid consent, understands the implications of withholding consent and receives additional legal advice.
- b. AAs are present when a procedure takes place but respect the person's wishes as to whether they watch, avert their eyes, stand away from the procedure or stand just outside the room.

Risks

- Procedures are carried out in breach of PACE e.g. a person of the opposite sex is present
- Strip searches are carried out as a matter of routine.
- Searches/samples have a high level of negative mental/emotional impact, increasing risks in and post custody.
- The person makes decisions about procedures without an accurate understanding of their nature and/or implications.
- An AA watching a procedure increases the negative impact for a person.
- The absence of an AA increases the risk.

References

- *PACE Codes*: C (Annex A); D (2.3, 2.6, 2.9, 2.12, 2.14, 2.15, 6.3, 6.9); H (Annex A)
- *Case law*: Davies 2015

6.13 Charging

Standard

The person understands the charging decision and can exercise their rights.

Indicators

- a. Prior to charge, AAs ensure that that person understands:
 - the type of decisions being made
 - how long the decision is likely to take
 - their ongoing right to legal advice.
- b. AAs remain available to be given notice of the time a decision is likely to be implemented so that they can be present at charge, by remote means if appropriate (see [5.14 Remote support](#)).
- c. AAs ensure that the person:
 - has been properly informed and understands what the charge means
 - understands their rights and is able to exercise them.
- d. If the AA cannot be present for charge, they remind police that the person should be released on bail to return for the decision to be implemented when the adult is present.
- e. If the AA has concerns which cannot be resolved by a custody officer, these are recorded on the custody record.
- f. AAs make appropriate checks on welfare and reminders of rights depending on whether the person will be detained pending court or is leaving.

Risks

- A person does not understand what a decision about charge is and is unable to exercise their rights.
- Charge goes ahead without an AA because they are not present at the time the decision is to be implemented and they are not bailed.
- After the charge decision the AA leaves and the person experiences issues (e.g. rights and welfare in custody; transport home).

References

- *Legislation*: PACE 1984 s.37(7)(b)
- *PACE Codes*: 16.1, 16.6, 16C
- *Research*: Children's Commissioner 2017

6.14 Post-charge bail

Standard

Bail is used fairly and appropriately and is understood by the person.

Indicators

Appropriate adults ensure that:

- a. the person has understood their rights and is able to exercise them
- b. effective representations are made in relation to the use, necessity and proportionality of bail and any conditions (taking into account any specific vulnerabilities)
- c. the person has been properly informed and understands bail and any conditions (including the consequences of breach)
- d. the local youth offending team is notified immediately if the police have concerns about granting bail to a child.

Risks

- A person does not understand the need to appear at court and the implications for not doing so.
- A person does not understand their bail conditions or the consequences of breach.
- Bail conditions are unrealistic, unfair, or likely to be broken due to the person's vulnerability.

References

- *PACE Codes*: C (16.1, 16C, Annex E 11)
- *Guidance*: YJB 2014a
- Research: Children's Commissioner 2017

6.15 Disposals

Standard

Disposals are used fairly and appropriately and is understood by the person.

Indicators

Appropriate adults ensure that:

- a. the nature of the disposal is understood by the person (including where person is released under investigation)
- b. out of court disposals are applied in compliance with relevant legislation and codes of practice and with consideration of person's specific vulnerabilities
- c. where consent and/or an admission of guilt is required the implications are fully understood and legal advice is taken in advance.

Risks

- Disposals are misunderstood.
- Where consent/admission is required this is not informed or valid or is subject to pressure.
- Proper consideration is not given to a person's vulnerability when selecting a disposal.

References

- *Legislation*: CDA 1998 66B(5)
- *PACE Codes*: C 16.1
- *CJA Codes*: MoJ 2013 (4.1.4, 16.1, 16.3); MoJ 2013a (3.8)
- *Guidance*: YJB 2014b

6.16 Communication

Standard

The person is able to participate effectively in all procedures.

Indicators

- a. AAs quickly and effectively develop a rapport with the person.
- b. AAs effectively facilitate communication between the person, police and others as required throughout a detention period.
- c. AAs actively listen to the person.
- d. AAs recognise where the support of a communication professional (e.g. intermediaries) is required and request it.
- e. AAs check the person's understanding of:
 - their rights
 - any procedures and their implications
 - the significance of information they are given, questions they are asked and of their replies.

Risks

- People have difficulty understanding the implications of, and participating effectively in, procedures related to their detention or voluntary interview.

References

- *PACE Codes*: C (1.7A, 11.17A, Annex E 9), H (1.13A, 11.10, Annex E 8)
- *Research*: Bucke and Brown 1997; Pierpoint 2001; Fenner, Gudjonsson and Clare 2002; Thomson, Galt and Darjee 2007; McKinnon, Thorp and Grubin 2015; Jessiman and Cameron 2017
- *Other*: UNCRDP Art. 13

6.17 Professional assessments

Standard

Where appropriate, the person is assessed by appropriate professionals according to their needs.

Indicators

- a. AAs recognise the limits of their role and make representations where they feel additional assessments may be appropriate and in the person's best interest e.g.:
 - Liaison and diversion
 - Fitness for detain
 - Fitness to interview
 - Mental Health Act 1983
 - Mental Capacity Act 2005
 - Intermediary (for speech and language support at investigation and/or court stage).

Risks

- A person has greater needs than can be met effectively by an AA.
- AAs are perceived as a replacement for professional assessments and support.

References

- *Research:* Dehaghani in progress
- *Other:* United Nations Convention on the Rights of the Child Art. 37, *Other:* UNCRDP Art. 13

6.18 Rest periods and handovers

Standard

The person receives support from an AA who is well rested and well informed of their case.

Indicators

- a. While in police custody, AAs are provided with and take regular breaks (totalling a minimum of one hour in any 8 hour period).
- b. AAs do not spend longer than 8 hours in custody, except in exceptional circumstances where it is clearly in the best interests of the person being supported, it does not present an undue risk to the AA and they have informed the scheme coordinator (see [4.4 Health & safety](#)).
- c. The potential for a handover to be required is identified early and sufficient overlap is provided to enable an effective handover.
- d. Handovers include:
 - actions or inactions made by the outgoing AA since they have acted;
 - matters raised with the custody staff/investigating officers and their current status (completed, on-going, not progressed etc.);
 - an appraisal of the vulnerabilities of the detainee and any impact on the investigative procedures undertaken up to that point;
 - matters of concern relating to any aspect of the detention;
 - contact details for the police.

Risks

- The effectiveness of an AA is significantly reduced due to a lack of proper breaks.

References

- *Research*: Pierpoint 2008

6.19 Signposting

Standard

The person is aware of local sources of further support following detention or voluntary interview.

Indicators

- a. Based on their interactions, AAs ensure that a person is provided with information about relevant local statutory and non-statutory services (information may be provided by police, other agencies or the AA themselves).

Risks

- People expect ongoing support from an AA and/or support with issues that are outside of the AAs remit.

References

- *Research*: Thomson, Galt and Darjee 2007; Jessiman and Cameron 2017
- *Other*: IOPC 2016

References

References

Legislation

Children Act 1989 [\[Link\]](#)

Crime and Disorder Act 1998 s.38 [\[Link\]](#)

Data Protection Act 2018 [\[Link\]](#)

Equality Act 2010 [\[Link\]](#)

General Data Protection Requirement (GDPR) [\[Link\]](#)

Police Act 1997 (Criminal Records) Regulations 2002 as amended by the Police Act 1997 (Criminal Records) (Amended) Regulations 2013/1194 s.6(c) and s.9(g) [\[Link\]](#) and 2013/2669 s.5C(i) [\[Link\]](#)

Police and Criminal Evidence Act 1984 [\[Link\]](#)

Police Reform and Social Responsibility Act 2011 [\[Link\]](#)

Public Services (Social Value) Act 2012 [\[Link\]](#)

Rehabilitation of Offenders Act 1974 [\[Link\]](#)

Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 Part II s.12; [\[Link\]](#)

Safeguarding Vulnerable Groups Act 2006 Schedule 4 [Part 1 s.2\(1\)\(c\)](#) and [Part 3 s.10\(1\) and \(2\)](#)

Well-being of Future Generations (Wales) Act 2015 [\[Link\]](#)

Codes of Practice

Ministry of Justice (2013) Code of Practice for Youth Conditional Cautions 2013 [\[Link\]](#)

Ministry of Justice (2013a) Code of Practice for Adult Conditional Cautions [\[Link\]](#)

Home Office Police and Criminal Evidence Act 1984 Codes of Practice [\[Link\]](#)

Case law

A Local Authority v B [2008] EWHC 1017 (Fam))

Aspinall [1999] 2 Cr. App. R. 115

BE [2002] EWHC 2976 Admin

Blake [1989] 89 Cr. App. R. 179

Brown (Delroy) [2011] EWCA Crim 1606

Davies v Merseyside Police & Anor [2015] EWCA Civ 114 (19 February 2015)

Fogah [1989] Crim. L.R. 141

Gill (Rajvinder Kaur) [2004] EWCA Crim 3245

Hafal Ltd v. Lane-Angell [2018] UKEAT 0107_17_0806

Haroon-Ali (Court of Appeal (Criminal Division) 24 November 1998, unreported

Kenny [1994] Crim. L.R. 284

Law-Thompson [1997] Crim LR 674

Leach v Gloucestershire Constabulary [1999] 1 WLR 1421

Lewis [1996] Crim LR 260

Maguire [1990] 90 Cr. App. R. 115

Morris, Queen's Bench Division, October 8, 1990 (unreported)

O'Neill, Birmingham Crown Court, October 16, 1990 (unreported)

Preston [2003] EWHC 729 Admin

Smith [2012] EWCA Crim 1135

Stanesby [2012] EWHC 1320 Admin

Weekes [1993] 97 Cr. App. R. 222

Research

Adebowale V. (2013), Independent Commission on Mental Health and Policing Report. London: Independent Commission on Mental Health and Policing [\[Link\]](#)

Bean P.T. and Nemitz T. (1997), Final report on the evaluation of the Southampton MIND volunteer Appropriate Adult scheme. London: The Mental Health Foundation

Bradley (2009), The Bradley Report: Lord Bradley's review of people with mental health problems or learning disabilities in the criminal justice system [\[Link\]](#)

Brown D., Ellis T., Larcombe, K. (1992) Changing the Code: Police Detention under the Revised PACE Codes of Practice. Home Office Research and Planning Unit. London: HMSO [\[Link\]](#)

Bucke T. and Brown D. (1997), In Police Custody: Police Powers and Suspects' Rights under the Revised PACE codes of practice. Home Office Research Study No 174. London: Home Office [\[Link\]](#)

Centre for Mental Health (2013), Black and Minority Ethnic communities, mental health and criminal justice [\[Link\]](#)

Children's Commissioner (2017), A Night in the Cells [\[Link\]](#)

Clare, Gudjonsson & Harari (1998), Understanding of the current police caution (England and Wales), Journal of Community & Applied Social Psychology 8(5):323 – 329 [\[Link\]](#)

Cummins I. (2007), Boats against the current: vulnerable adults in police custody, The Journal of Adult Protection, 9 (1), 15-24 [\[Link\]](#)

Dehaghani R. (2016), He's just not that vulnerable: Exploring the Implementation of the Appropriate Adult Safeguard in Police Custody. Howard Journal of Crime and Justice, 55 (4), 396-413 [\[Link\]](#)

Dehaghani R. (in press), Vulnerability in Police Custody: police decision-making and the appropriate adult safeguard. Abingdon: Routledge. [\[Link\]](#)

Dehaghani R. (in progress), 'Who – and what – is the 'appropriate' appropriate adult?'

Dhami M.K. and Sim M.P.Y. (2014), Measuring the Effectiveness of Appropriate Adults, Presentation

Dixon D. (1990) 'Young Person Suspects and the Police and Criminal Evidence Act', in D. Freestone (ed.) Children and the Law: Essays in Honour of Professor H.K. Bevan, pp. 107–29. Hull: Hull University Press.

Evans R. (1993) The Conduct of Police Interviews with Young People (Royal Commission on Criminal Justice Research Study No. 8). London: HMSO [\[Link\]](#)

Evans R. (1996), Challenging a police caution using judicial review, *Criminal Law Review*, 104-8 [\[Link\]](#)

Fenner S., Gudjonsson G.H. and Clare I.C.H. (2002), Understanding of the Current Police Caution (England and Wales) Among Suspects in Police Detention, *Journal of Community & Applied Social Psychology*, 12, 83–93 [\[Link\]](#)

IOPC (2016), Public Confidence in the Police Complaints System 2016: report prepared for the Independent Police Complaints Commission by Ipsos MORI [\[Link\]](#)

Jessiman T. and Cameron A. (2017), The role of the appropriate adult in supporting vulnerable adults in custody: Comparing the perspectives of service users and service providers, *British Journal of Learning Disabilities*. DOI: 10.1111/bld.12201 [\[Link\]](#)

Kemp V. and Hodgson J. (2016), England and Wales: Empirical Findings. In M Vanderhallen, M van Oosterhout, M Panzavolta, and D de Vocht, eds. *Interrogating Young Suspects: Procedural Safeguards from an Empirical Perspective*. Antwerp: Intersentia. [\[Link\]](#)

Lammy (2017), Lammy review: final report [\[Link\]](#)

Littlechild B. (1995), Reassessing the role of the “appropriate adult”. *Criminal Law Review*, 540-5 [\[Link\]](#)

McKinnon I., Thorp J. and Grubin D. (2015), Improving the detection of detainees with suspected intellectual disability in police custody, *Advances in Mental Health and Intellectual Disabilities*, 9(4), 174-85 [\[Link\]](#)

Medford S., Gudjonsson G.H. and Pearse J. (2003), The efficacy of the appropriate adult safeguard during police interviewing. *Legal and Criminological Psychology*, 8, 253-66 [\[Link\]](#)

National Appropriate Adult Network (2015) The Home Secretary’s Commission on Appropriate Adults: There to help: Ensuring provision of appropriate adults for mentally vulnerable adults detained or interviewed by police. [\[Link\]](#)

Nemitz and Bean (2001), Protecting the rights of the mentally disordered in police stations: The use of the appropriate adult in England and Wales, *International Journal of Law and Psychiatry* 24 (2001) 595–605 [\[Link\]](#)

Palmer C. (1996), Still Vulnerable After All These Years. *Criminal Law Review*, 633-44

Pierpoint H. (2000), How Appropriate are Volunteers as ‘Appropriate Adults’ for Young Suspects?, *Journal of Social Welfare and Family Law*, 22(4), 383-400 [\[Link\]](#)

Pierpoint H. (2001), The Performance of Volunteer Appropriate Adults: A Survey of Call Outs. *Howard Journal of Criminal Justice*, 40(3), 255-71 [\[Link\]](#)

Pierpoint H. (2004), A Survey on Volunteer Appropriate Adult Services. *Youth Justice*, 4(1), 32-45 [\[Link\]](#)

Pierpoint, H. (2006) Reconstructing the role of the appropriate adult in England and Wales. *Criminology and Criminal Justice* 6: 219-237 [\[Link\]](#)

Pierpoint H. (2008), Quickening the PACE: The Use of Volunteers as Appropriate Adults’, *Policing and Society*, 18 (4), 397-410 [\[Link\]](#)

Pleasence P., Kemp V. and Balmer N.J. (2011), The Justice Lottery? Police station advice 25 years on from PACE, *Criminal Law Review*, 1, 3–18 [\[Link\]](#)

Quinn K. and Jackson J. (2007), Of Rights and Roles: Police interviews with young suspects in Northern Ireland. *British Journal of Criminology*, 47(2), 234-55 [\[Link\]](#)

Rock F. (2007), *Communicating rights: the language of arrest and detention* Basingstoke: Palgrave Macmillan. [\[Link\]](#)

Thomson L.D.G., Galt V. and Darjee R. (2007), Professionalizing the role of appropriate adults, *The Journal of Forensic Psychiatry & Psychology*, 18(1), 99–119 [\[Link\]](#)

Williams J. (2000), The inappropriate adult, *Journal of Social Welfare and Family Law*, 22(1), 43–57 [\[Link\]](#)

Weaver and Lightowler (2012), *Shaping the criminal justice system: The role of those supported by criminal justice services*. Glasgow: Iriss [\[Link\]](#)

Young S., Goodwin E., Sedgwick O. and Gudjonsson G.H (2013), The effectiveness of police custody assessments in identifying suspects with intellectual disabilities and attention deficit hyperactivity disorder, *BMC Medicine*, 11, 248-58 [\[Link\]](#)

HM Inspectorates

Criminal Justice Joint Inspectorate (2009), *A joint inspection on work prior to sentence with offenders with mental disorders*. London: HMIP [\[Link\]](#)

Criminal Justice Joint Inspectorate (2011), *Who's looking out for the children? A joint inspection of Appropriate Adult provision and children in detention after charge* [\[Link\]](#)

Criminal Justice Joint Inspectorate (2014), *A Joint Inspection of the Treatment of Offenders with Learning Disabilities within the Criminal Justice System - Phase 1 From Arrest to Sentence*. London: HMIP [\[Link\]](#)

Her Majesty's Inspectorate of Constabulary (HMIC) (2015), *The welfare of vulnerable people in police custody*. London: HMIC [\[Link\]](#)

Her Majesty's Inspectorate of Prisons & Her Majesty's Inspectorate of Constabulary, Fire and Rescue Services (2016) *Expectations for police custody* [\[Link\]](#)

Policy, Standards and Guidance

ACPO (2013) *Guidelines on the Safe use of the Internet and Social Media by Police Officers and Police Staff* [\[Link\]](#)

BITC, *Ban the Box* [\[Link\]](#) [accessed March 2018]

British Association of Social Workers (2012), *Social Media Policy* [\[Link\]](#)

Clinks (2016) *Service user involvement and co-production* [\[Link\]](#)

College of Policing (2015), *Approved Professional Practice: Transvestite and transsexual detainees* [accessed March 2018] [\[Link\]](#)

College of Policing (forthcoming), *Approved Professional Practice: Voluntary interviews* [\[Link\]](#)

Disclosure and Barring Service (2018), *Types of DBS check* [accessed march 2018] [\[Link\]](#)

Gov.uk (2018), Volunteer placements, rights and expenses [\[Link\]](#)

Gov.uk (2018b), Whistleblowing for employees [\[Link\]](#)

HM Government (2010), The Compact [\[Link\]](#)

Hodgson J (1997), Vulnerable Suspects and the Appropriate Adult. Criminal Law Review, 785-95

Home Office (2003), Guidance for Appropriate Adults [\[Link\]](#)

Home Office (2017), Concordat on children in custody [\[Link\]](#)

Home Office (2018), Appropriate Adult PCC-Local Authority Partnership Agreement [\[Link\]](#)

National Appropriate Adult Network and Independent Custody Visiting Association (2017) Ensuring the mutual independence of AAs and ICVs [\[Link\]](#)

National Council for Voluntary Organisations (2018), Treating Volunteers as Employees [\[Link\]](#)

Unlock, Ban the Box [\[Link\]](#); Asking about criminal records [\[Link\]](#) *[accessed March 2018]*

Youth Justice Board (2013), Strategic Standard 14, National Standards for Youth Justice Services [\[Link\]](#)

Youth Justice Board (2014), Appropriate adults: guide for youth justice professionals [\[Link\]](#)

Youth Justice Board (2014a), Manage bail and remands: section 3 case management guidance: 1.3 Appropriate adult services and police bail [\[Link\]](#)

Youth Justice Board (2014b), Use out-of-court disposals: section 1 case management guidance [\[Link\]](#)

Youth Justice Board (2018), National Protocol for Case Responsibility, 9-10 [\[Link\]](#)

Other

Gov.uk (2016) Civil Service Blog: Ban the Box, [\(Link\)](#)

Independent Office for Police Conduct (2012), Learning the Lessons Case 2 Bulletin 16 – Custody [\[Link\]](#)

Independent Office for Police Conduct (2016), Public confidence survey [\[Link\]](#)

Independent Office for Police Conduct (2016a), Recommendation - Essex Police, March 2016 [\[Link\]](#)

Independent Office for Police Conduct (2016b), Recommendation - Kent Police, April 2016 [\[Link\]](#)

National Appropriate Adult Network (2018), National Appropriate Adult Training Pack v2.1 [\[Link\]](#)

National Accredited AA Qualification [\[Link\]](#)

UN Convention on the Rights of the Child [\[Link\]](#)

UN Convention on the Rights of Persons with Disabilities [\[Link\]](#)