

Appropriate Adult Procedure

This procedure provides guidance for staff and foster parents about the role of the 'Appropriate Adult' and the Police and Criminal Evidence Act (PACE) 1984.

We use the term 'young person'. PACE uses the term 'juvenile'. Other areas of law refer to 'children and young people'. However, these all refer to a person under 18 years of age.

The minimum age of criminal responsibility in England and Wales is 10 years old.

Guidance and advice in this procedure is sourced from the National Appropriate Adult Network at www.appropriateadult.org.uk, where you can find further information. There is specific guidance to help parents, foster parents and other untrained Appropriate Adults: <https://www.appropriateadult.org.uk/information/guidance-aa>

This procedure forms part of the Polaris Quality Management System in line with ISO-9001:2015 standards.

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What is an Appropriate Adult?

When a person under the age of 18 years is arrested, the PACE Codes of Practice require an Appropriate Adult to be called to the police station. The Appropriate Adult is required to be present during the course of the police interview and key stages of investigations conducted in the police station.

The role of the appropriate adult is to safeguard the interests, rights, entitlements and welfare of children and vulnerable people who are suspected of a criminal offence, by ensuring that they are treated in a fair and just manner and are able to participate effectively.

Definition of Child

Anyone who appears to be under 18

Definition of Vulnerable People

A person is vulnerable if a police officer has any reason to suspect the person may:

- have difficulty understanding the full implications or communicating effectively about anything to do with their detention; or
- have difficulty understanding the significance or things they are told, questions, or their own answers; or
- may be prone to confusion, suggestibility, or compliance
- may be prone to providing unintentionally unreliable, misleading or self-incriminating information.

Who can be an Appropriate Adult?

For children, the police must first seek a parent, guardian, care organisation representative or social worker. If none are willing, available or suitable, the local Youth Offending Team must ensure an Appropriate Adult is provided. The person they send may be paid or a volunteer but they should have relevant training and experience.

For a vulnerable adult, the Appropriate Adult should be someone experienced in supporting mentally vulnerable people. An organised scheme may be available but if the person prefers a family member this should be respected. Failing these, the police can ask any responsible person aged over 18

The following people can be an Appropriate Adult

- Parent or guardian
- If the young person is in local authority care, or is otherwise being looked after under the Children Act 1989 a person representing that authority or organisation
- A local authority social worker
- A Youth Offending Team worker
- Another responsible adult aged over 18

Looked After Children and Care Leavers

Whenever a Looked After Child aged under 18 is arrested, the responsible Local Authority should ensure that the young person has the support of an Appropriate Adult and a solicitor while at the police station. The solicitor should have expertise in youth justice, and be provided with relevant information about the young person's circumstances and needs, including key information from the Care Plan (and Pathway Plan if they are an 'Eligible Child' under the Children (Leaving Care) Act 2000.)

Who should not be an Appropriate Adult?

There are certain circumstances in which somebody could not be an Appropriate Adult:

- They are employed by the police in any capacity;
- They are a suspect, victim, witness or otherwise involved in the investigation;
- They have received admissions or denials about the offence prior to acting as the Appropriate Adult;
- They are a solicitor or independent custody visitor at the police station in that capacity;
- They are a parent who is estranged from the child and the child would prefer to have someone else;
- They are a person suspected of involvement in terrorism;
- They are the principal of a child's educational establishment (except in some circumstances).

Summary of roles and responsibilities of the Appropriate Adult

The role of an Appropriate Person is to protect the rights, entitlements and welfare of a suspect who is, aged under 18, or a vulnerable person. Appropriate Adults are expected to:

- Ensure that the detained young person understands what is happening and why. It is important to take into account any mental health problems, learning difficulties or communication difficulties that they may have;
- Support, advise and assist the young person when they are given or asked to provide information or participate in any procedure;
- Observe whether the police act properly and fairly to respect their rights and entitlements, and inform an officer of the rank of inspector or above if you consider that police are not doing so;
- Assist the young person to communicate with the police whilst respecting their right to say nothing unless they want to (as described when they are cautioned);
- Help the young person to understand their rights and ensure that those rights are protected and respected.

What to do if the Police request an Appropriate Adult

The decision as to whether staff or foster parents from the agency can fulfil this role will depend upon the circumstances and context as to why the young person is in police custody. For example:

- If the alleged offence is not related to any reported matter against staff, foster parents or company property, then it would be reasonable for staff to act as Appropriate Adult
- If the alleged offence is related to a matter reported by staff or foster parents about any injury, matter, and/or damage to staff or foster parents, possessions or company property, it would not be reasonable for staff or foster parents to act as Appropriate Adult
- It may be reasonable for other staff to act in the role of Appropriate Adult who are not connected with the young person.

In addition, it should be considered that any adult undertaking the role as an Appropriate Adult should be suitably trained. Training is available on the role of the Appropriate Adult, through Learnative. In some cases, it may be more appropriate for a Local Authority Social Worker or Youth Offending Service worker to undertake this role.

The decision as to whether a foster parent or staff should act as the Appropriate Adult would need to be taken by a manager. Foster parents and staff should notify their Supervising Social Worker, Registered Manager (or equivalent), or Out of Hours service as soon as possible if they are aware that a young person is in police custody and if they are asked to be the Appropriate Adult.

A young person being in police custody is a notifiable event, so the appropriate reporting and recording should be followed for notifiable events.

The Local Authority responsible for the young person should be notified immediately, and confirm that the planned course of action is agreeable. Nobody can be forced to be an Appropriate Adult, but there is an expectation that foster parents, social workers and support workers should be willing to undertake this important role if required.

As an Appropriate Adult, you are there to ensure the young person's welfare and **not** to give legal advice. You can provide background on their risks, advocate for them, ensure they understand what is happening to them and ensure that they are comfortable, e.g. ask for a drink for them if they are thirsty. If in a police interview the young person gets distressed, you can ask for the interview to stop.

Further information

For guidance about the role of the Appropriate Adult on arrival at the police station and during police investigations at the police station, please see [Guidance for Appropriate Adults \(Home Office\)](#) or information on the [National Appropriate Adult Network website](#).