



GUIDE FOR APPROPRIATE ADULTS

Your role as an appropriate adult

Appropriate adults are called to the police station as an important safeguard, providing independent support to detainees who are:

- aged under 17, or
- maybe mentally disordered or mentally vulnerable

You are not simply an observer. Your role is to assist the detainee to ensure that they understand what is happening at the police station during the interview and investigative stages. In particular you should:

- support, advise and assist the detainee
- ensure that the police act fairly and respect the rights of the detainee
- help communication between the detainee, the police and others

You are not there to provide the detainee with legal advice.

Key information

The way in which police investigate offences is governed by the Police and Criminal Evidence Act 1984 (PACE).

The **PACE Codes of Practice** set out the powers, responsibilities and procedures of the police in more detail. Copies are available at the police station.

The **Custody Officer** is responsible for the care and welfare of the detainee and must ensure that the investigation is conducted quickly and fairly.

Rights of the detainee

The Custody Officer must tell the detainee, in your presence, that they have the following rights:

- The right to have someone informed of their arrest.
- The right to independent legal advice free of charge.
- The right to consult the PACE Codes of Practice.

These rights can be exercised at any time while the detainee is in custody. In exceptional circumstances some or all of these rights may be delayed.

The custody officer must give the detainee a written notice of these rights and other entitlements which explain how the detainee should be looked after.

The detainee (if under 17 or mentally vulnerable) must be advised of the duties of the appropriate adult and told that they may speak to the appropriate adult in private at any time.

Your rights as an appropriate adult

You must be present when:

- the custody officer informs the detainee of their rights and entitlements. *If this is carried out before you arrive it must be repeated in your presence.*

- when the detainee is cautioned. *If the caution is given before you arrive it must be repeated in your presence.*

In your role you also have a right to:

- be told why the detainee is being held.
- inspect the written record of the detainee's period in detention (the custody record) at any time, and have a copy of that record.
- see a copy of the Notice of Rights and Entitlements.
- see a copy of the PACE Codes of Practice.

Interviews

You must be present when the police interview the detainee. You should:

- ensure that the detainee understands the caution that is given by the police at the start of the interview.
- intervene if you feel it is necessary to help the detainee communicate effectively with the police, or if you feel that the police questioning is confusing, repetitive or oppressive.
- ask for a break in the interview if you feel the detainee needs to rest or if you feel that they need legal advice or you want to talk to them in private.
- be present when the detainee is asked to agree and/or sign any documentation.

If you have any queries or complaints about the conduct of an interview you should speak to the Custody Officer immediately.

Other procedures

You are also required to be present for the following procedures:

- Subject to strictly limited exceptions, during any search of the detainee involving the removal of more than outer clothing or intimate searches.
- During any form of identification procedure, involving the participation of the suspect including the taking of DNA samples.
- During any process involving the fingerprinting, photographing of the detainee or when a sample or footwear impression is taken from them.

If you are available at the time you are also entitled to be present:

- when the police review whether there is a need to keep a person in detention.
- when a decision to authorise extended detention to 36 hours is made by a senior police officer.
- when the detainee is formally charged.

Legal Advice

Even if the detainee refuses legal advice you have the right to request that a solicitor be called. The Custody Officer must call the solicitor but the detainee cannot be forced to see them when they arrive.

You are not entitled to be present during private legal consultations between the detainee and their legal representative.

You may assist the communication between the detainee and their legal representative if they request your support. However you should make sure that the detainee understands that you are not covered by 'legal privilege'. This means that, in exceptional circumstances, you could be questioned as a witness by the police, or in court, about what was discussed.

Legal advice for certain (usually minor) offences is normally only provided over the telephone. However, if the detainee is eligible for assistance from an appropriate adult, the legal advisor should attend the police station in person.

Further Information

This leaflet was produced by the Home Office in consultation with the National Appropriate Adult Network (NAAN).

It is designed for parents, carers, relatives or friends who might be called to act as an appropriate adult for someone they know. It aims to give you a quick overview of your role and responsibilities.

It is strongly advisable that people acting as an appropriate adult in a professional capacity, whether as a volunteer or paid worker, should be trained. Further information about this and about all aspects of the appropriate adult role can be obtained from the National Appropriate Adult Network www.appropriateadult.org.uk