

NAAN NATIONAL STANDARDS

Introduction

These standards concern all aspects of the delivery of Appropriate Adult services. They apply whether Appropriate Adults (AAs) are volunteers or paid workers, and whether the scheme is located in the statutory, voluntary or private sectors. If and when there are seen to be differences between procedures when AAs are paid rather than volunteers this will be indicated. Many schemes are part of larger national bodies or are affiliated to such bodies and will therefore be using other quality models or standards. In many cases reference to compliance with these standards will demonstrate achievement of generic standards that are not specific to Appropriate Adult schemes.

NAAN worked with its members and with a number of organisations including the Home Office, MIND, RAINER, SOVA and Volunteer Centres affiliated to Volunteering England in the development of these National Standards.

The Standards were adopted by the NAAN Board in 2005 and were approved by the Home Office and the Department of Health in 2011.

NAAN National Standard 1

Recruitment and selection of appropriate adults

1. AAs will as far as possible reflect their local community. Scheme managers will ensure that their advertising/publicity methods are accessible to all members of the community and that introductory meetings, interviews and training sessions are held at accessible times and locations. Managers will consider how best to recruit AAs from all minority groups, including AAs with disabilities. Depending on the ethnic mix of the local area, consideration will be given to providing initial publicity material in languages other than English.

Age, gender, ethnicity and disability will be monitored. Ideally standard census definitions of ethnicity will be used.

Comment: NAAN recognises that the requirements of the role, as well as other factors such as access problems in some police custody suites may make it difficult for people with some disabilities to be AAs, none the less account will be taken of the requirements of, and the principles behind, the Equalities Act.

2. Prospective AAs will be given a role description/task list and person specification and then asked to complete a standard application form. They will be interviewed by at least two interviewers, using as a base a standard set of questions. Notes will be kept of the interview and the decision made. Interviewers will be aware of, or trained in EO interviewing.

Comment: Small schemes may need to consider using other agencies or experienced volunteers as co-interviewers if necessary. Usually both interviewers will see prospective AAs together, though sometimes serial interviewing may be necessary. NAAN has made some model documents (e.g. role description and person specification) available.

3. Enhanced CRB checks (disclosures) will be completed and two references taken up before a prospective AA is accepted for training. Scheme managers need to be aware that these checks are not foolproof and do not mean that other steps, such as a rigorous interview and taking up references are not necessary. Checks will be renewed regularly, ideally on an annual basis.

Comment: Scheme managers should make it clear to prospective AAs that a criminal record will not necessarily disbar a person from becoming an AA. It is good practice to have a written statement covering the scheme's policy with regard to different sorts of offences.

4. AAs will not undertake solo visits to police stations until they have successfully completed the minimum training (see separate standard) and have completed at least 2 and ideally 3 shadowing visits. There will be provision for further shadowing visits if the manager or AA feels this is necessary. Shadowing visits may be with a manager or with an experienced AA.

Comment: The shadowing visits have a dual purpose, both to support and enable the prospective AA to fulfil the role, and also to identify any problems or difficulties the prospective AA might be having which require further training. The experienced AA undertaking the shadowing visits must be able to confirm by the end that the prospective AA has reached the required standard.

5. The AA's acceptance following successful completion of this process will be confirmed in writing. Prospective AAs rejected at any stage will be notified in writing, with a clear offer to provide reasons and feedback.

Comment: While it is generally agreed that it is good practice to provide feedback and reasons for rejection, this issue can be problematic as CRB registered bodies cannot disclose that they have received any information under enhanced disclosures and therefore this may impact on an organisation's ability to give reasons for rejections.

6. For organisations using volunteers as AAs, care needs to be taken with the use of language in the recruitment process and in the way expenses are reimbursed to ensure that a contract of employment is not created unintentionally.

Comment: Schemes that are considering paying AAs even a token amount for their services need to be aware that they would not then be volunteers. There are many implications of this. A local volunteer centre (bureau) or voluntary action centre (Council for Voluntary Service) should be able to provide advice or see www.volunteeringengland.org.uk

NAAN National Standard 2

Support, supervision, development and retention of appropriate adults

1. AAs will be provided with the following minimum levels of support:
 - Regular support meetings with other AAs and scheme manager at least every two/three months.
 - Regular individual supervision sessions with line manager
 - Access to a manager or equivalent by phone in an emergency

Comment: AAs need to be made aware from the outset that supervision is not an optional extra. The actual frequency of the regular supervision will depend on the level of callouts, but every two months would be reasonable in many cases. Some of the contacts may be by telephone instead of face to face. Supervision meetings will be in addition to volunteer or staff team meetings.

2. AAs will have access to on-going training and will be kept up to date with changes to PACE codes of practice and other relevant legislation

Comment: It is useful to keep a record of individual volunteer training.

3. AAs will be able to access counselling in exceptional cases (e.g. when they have been involved in a very serious case or stressful incident)

Comment: It should be possible to access this service by an agreement either with the local police (whereby AAs are able to access police welfare services), or by a similar agreement with the local youth offending team or local authority social services department.

4. AAs will be able to have an input into the running of the scheme and feedback and suggestions from AAs will be actively sought by scheme managers.

Comment:

5. Experienced AAs will, wherever possible, be involved in the training and induction of new AAs.

Comment:

NAAN National Standard 3

National Standard 3 on Training

1. Each Appropriate Adult scheme will ensure that its paid and/or volunteer Appropriate Adults receive a minimum of 18 hours training, in order to ensure a level of competency in fulfilling the role as defined by the Police and Criminal Evidence Act 1984 (PACE) Codes of Practice.

Comment: This training may take place over three days, or a series of shorter sessions. Training should be followed by a number of shadowing visits with an experienced AA (at least 2 and preferably 3). See National Standard 1 on the Recruitment and Selection of Appropriate Adults.

2. The training should include:
 - A basic introduction to the relevant parts of the Criminal Justice System and the role of the AA in police stations (including PACE and the Home Office 'Guidance for Appropriate Adults').
 - An introduction to mental health issues (for adult schemes)
 - An introduction to issues facing young people and the role of youth offending teams (YOTS) (for juvenile schemes)
 - An introduction to police interviews
 - An introduction to issues arising in serious cases (for schemes providing a service in such cases)
 - An introduction to basic communication skills, and relevant organisational policies such as confidentiality, information sharing protocols, health and safety etc*.
 - An introduction to the role of the defence solicitor and the forensic physician.

* Some paid and volunteer AAs may have covered these topics as part of a professional, organisational or generic volunteer training course.

Comment: Guidance on the actual content of the training can be found in NAAN's Training Pack which was revised and updated in 2009.

3. All training should include a visit to a police custody suite and an introduction to relevant custody staff.

Comment: This should be additional to the minimum 18 hours specified above.

4. Each scheme should provide both regular updates and refresher training for AAs, either in one-off formal training sessions or through regular AA meetings.

Comment: Schemes will need to ensure that they keep up-to-date with changes to legislation and police procedures to enable them to update their training regularly. They may wish to use the NAAN website www.appropriateadult.org.uk as a way of keeping up to date on these issues. Schemes may wish to use newsletters, as well as AA meetings to ensure AAs are kept up-to-date.

5. Each scheme should consider the benefits of obtaining accreditation for its training and should make every effort to ensure that those AAs who wish to follow an accreditation route should be enabled to do so.

Comment: there are a number of options for accreditation. NAAN has developed three OCN accredited training units based on the Training Pack.

6. All schemes should ensure that their operational budget allows both for adequate initial training and refresher courses.

Comment: Some schemes may wish to consider co-operating with others on a local or sub-regional basis to share training and maximise the use of resources. Experienced AAs as well as schemes managers or external trainers can play a valuable role in training.

7. All schemes should ensure that they have systems in place to receive feedback and evaluate training, to enable points for learning to be identified and used.

Comment:

General comments:

NAAN has a range of materials which may assist in training, including a Training Pack and DVD covering all aspects of the Appropriate Adult role.

NAAN National Standard 4

Service delivery for appropriate adult schemes

1. Rotas

The rota needs to make enough use of AAs so that they remain in practice and also feel involved. At the same time no one AA should be overused. As a guideline it is suggested that AAs should be available at least the equivalent of one session (of 4-6 hours) a week or 4 a month. There is no suggested maximum but managers will be aware of the issue of burnout or over commitment particularly among some volunteers.

It is also recommended that an AA should not normally be expected to be at a police station for longer than 8 hours in total with proper breaks. Overlap and back-up systems will need to be in place to enable a handover should this become necessary.

Comment: There will be large variations in practice depending on the needs and the profile of the service, therefore general guidance only has been given here. 'Proper breaks' is taken to mean breaks totalling at least one hour in an eight hour period.

2. Phone numbers

There are three main models for managing the rota and AAs' phone numbers, each with advantages and disadvantages.

- a) A central switchboard, either run directly by the organisation concerned or contracted out. In these cases, the switchboard holds the phone numbers of the AAs on the rota and passes on the requests from the police.
- b) The police contact AAs directly. This can be either each station or through a central police contact point.
- c) The scheme manager (s) manages the rota and is contacted by the police on a phone or pager system and in turn contacts the AAs.

In deciding on the most appropriate model, managers will need to take account of size of scheme, costs, reliability of switchboard operator, and confidence in the police to follow the rota and so on. The first option is the preferred model.

In all cases, consideration needs to be given to what phone numbers are given to the rota handler – home or mobiles, and if the latter, whether these should be provided by the scheme.

Comment: Some members have expressed strong concern about second option, i.e. the police having AAs' home phone numbers. There are two main reasons for this concern. Firstly some police officers may not follow the rota but ring AAs 'on spec', perhaps choosing AAs who are seen as being 'compliant' thus risking the actual or perceived independence of the AA. This is made more problematic if the AA concerned responds and/or does not inform his/her manager. The second concern is that personal phone numbers of the AA could be entered onto the custody record, and the detainee or others could gain access to this information. The third option is also not recommended unless the organisation managing the

scheme has enough managers or suitably qualified and experienced people to share the task as it places a huge burden on scheme manager.

Some schemes use a pager system and provide pagers for all their AAs, thus avoiding the need to give out phone numbers. The use of mobiles or pagers also allows AAs on the rota to be more mobile and not have to wait near the phone for a call that may not come.

3. Back up for AAs and on call arrangements for managers

It has already been stated (in National Standard 2) that AAs should have access to managerial support in an emergency. In principle, there is also agreement that the police should have access to a scheme manager in an emergency, during the hours AA services operates. Managers should not be expected to provide this service single-handedly, so proper cover and rotas for the managers themselves need to be in place. The provision of this service out of office hours also need to be compensated for, either in the salary level itself, or through on-call payments, or through a time off in lieu (TOIL) arrangement.

Comment: there are a number of issues of concern here. Some scheme managers are in effect on call up to 18 (or even 24) hours a day. This is not good practice and is also potentially a health and safety issue for the employing authority. The real costs of providing a proper back up service need to be built into contracts. Consideration also needs to be given to arrangements with the YOTs or emergency duty teams concerning out of hours back up.

4. Hours of operation

These will depend on circumstances. Some schemes provide a day time service, with out of hours duties being covered by statutory authorities, others do the reverse.

As a general rule though an AA service should be provided from whatever source from 8am to midnight 365 days a year. There should be an understanding that AAs will only be called out after 11pm in exceptional cases and when there is a real prospect of an interview before midnight.

Comment: If it becomes clear that an interview is not going to start by midnight the AA should consider whether it is appropriate to withdraw, with an arrangement for someone to return in the morning. If schemes decide to offer a 24 hour service, full consideration should be given to the costs of this, and to the possible impact on the AA's effectiveness. Schemes should consider agreeing guidelines for defining an emergency or 'exceptional case' with the police to facilitate decision making in these situations.

5. Response time targets

These should be part of any contract. The YJB revised Case Management Guidance (2010) specifies that an AA must be provided within two hours of the initial request if required. It is suggested that this becomes the maximum response time for all requests for AAs.

Comment: Schemes will need to specify in their contracts exactly what the response time target actually means. There is for example, the initial (telephone) response which confirms

that an AA will be available at a given time. Then there is the actual time taken to arrive at the police station. In all cases the whole process should not be more than two hours if the AA is required immediately and all parties are ready to proceed. If though the AA is being 'booked' for a later time (depending for example on the arrival of a legal representative, or a decision by the CPS), there will need to be a local agreement that (for example) the AA will arrive within 30 minutes of the specified time. There may also need to be some flexibility in rural areas to allow for extended travelling times.

6. Policy on serious cases

All appropriate adults should be trained and supported sufficiently to deal with all cases. However everyone should be able to make a judgement about their own suitability and have the right to refuse to accept a particular case on any occasion.

Comment: There are currently different practices in this area, but NAAN believes that having a two tier system whereby only certain appropriate adults dealing with serious cases can be divisive and counter-productive. However scheme managers may wish to ensure that newly trained AAs gain some experience on more routine cases before undertaking a very serious case.

7. Policy on 2 or more defendants

It is recommended that no person should act as an AA for more than one co-accused in a case.

Comment: Although there should be no conflict of interest in these cases it is likely to be more satisfactory to have different AAs for different defendants. However, while this is good practice, it is recognised that this is not always practical. In order to pre-empt any later problems, it may be possible to have an agreement with the police that allows AAs working with more than one detainee to have their individual consultations with all detainees prior to any interviews. However this may not always be practicable.

8. Attendance at legal consultations

The PACE codes make it clear that AAs can be present at the detainee's private consultation with his/her legal representative, if the detainee wishes it. However the AA is not covered by legal privilege and all parties should be made fully aware of the possible consequences of this before an AA agrees to sit in on these interviews. An AA can continue in role if s/he witnesses a confession AFTER taking on the role at a police station but again needs to be aware of the implications of the lack of legal privilege.

Comment: The position with regard to AAs and the lack of legal privilege was clarified in the 2006 revised PACE Codes (Code C, Note 1 E).

9. Post code coverage

In contract negotiations scheme managers should seek to ensure that AAs services are provided to everyone detained at any custody suite

covered by the scheme. The detainee's origin or home address should not be a factor.

Comments: For juveniles, neighbouring YOTs may come to some cover arrangements in line with the YJB National Standards on Youth Justice.

10. Police liaison

There should always be an identified senior police officer at Inspector level or above for liaison with the scheme. There should be regular meetings and an agreed method for raising issues or concerns. Issues and concerns and the resolution of these should be recorded.

Comment: Where custody users' panels exist, AA scheme managers should ensure that they are involved in these. Local CDS offices may also be involved in liaison meetings.

11. Transport

In most areas AAs will use their own transport to get to and from police stations. Scheme managers should make sure that AAs understand that it is their responsibility to ensure that their vehicles are road worthy and properly taxed and insured for the purpose. Mileage rates will be agreed locally and should take account of additional costs such as insurance. In some areas such as large urban areas, public transport may be suitable particularly during the day and early evening. On some occasions (e.g. late evening) taxis will be necessary and these should be paid for by the scheme.

Comment: There are a number of options for setting mileage rates. Generally these should be linked to a local or national scale such as the NJC scale, local social services or local CVS rates. Rates should be reviewed annually. Scheme managers need to be aware of HM Revenue and Customs rules on mileage allowances. With regard to motor insurance, paid AAs will generally need business use cover. For schemes using volunteers, managers should consider providing a standard letter for volunteers to give to their motor insurer explaining the voluntary nature of the vehicle use. With most insurers an additional premium should not be payable but insurers must be notified of the situation.

12. Expenses

Expenses (where payable), whether for volunteers or paid AAs, should be paid according to an agreed scale (usually linked to a local or national scale) for meals, phone, transport and other expenses incurred while fulfilling the AA role. Expenses should be paid on the production of receipts and not as fixed 'allowances' as the latter could have tax implications and in the case of volunteers could also affect their volunteer status.

Comment: As with mileage rates, a national (such as NJC) or local scale could be used. Local Authorities or YOTs as well as many larger voluntary organisations will already have a scale in use.

13. Insurance

All schemes must have an insurance policy that covers paid staff, and/or volunteers. For schemes using volunteers, policies should explicitly mention volunteers because they may not automatically be covered. Insurance companies should also be made aware of the types of work that AAs are doing.

Employer's Liability Insurance

Covers paid employees in the event of accident, disease or injury caused or made worse as a result of work or of employer's negligence. This insurance should be explicitly extended to cover volunteers for schemes using volunteers.

Public Liability Insurance

Again this should always explicitly mention volunteers for schemes using volunteers. This is also known as third party insurance. It protects the organisation for claims by members of the public for death, illness, loss, injury, or accident caused by the negligence of the organisation. Public liability insurance generally covers anybody other than employees who come into contact with the organisation. This should include volunteers, covering them against loss or injury caused by negligence of the organisation if they are not covered under the employer's liability insurance. It also protects for loss or damage to property caused through the negligence of someone acting with the authority of the organisation, which would include the actions of volunteers.

Public liability cover should clearly cover loss or injury caused by paid or volunteer AAs. In some cases an AA could be sued as an individual for damage caused to a third party, so the organisation's public liability insurance should indemnify them against this.

Comment: There may be an age limit for employer liability or personal accident in some policies.

Organisations may also wish to consider the need for insurance to cover professional liability, professional indemnity errors and omissions or malpractice insurance. Such insurance covers the organisation for claims arising from loss or injury caused by services provided negligently or without reasonable care. Such loss might arise, for example, from incorrect or inaccurate advice. An organisation can be sued for claims arising from incorrect advice or information even if it is given free or via a telephone helpline.

14. Health and safety

All schemes should have a detailed health and safety policy, either stand alone or more usually part of a wider organisational policy. This should be cross referenced to the training to ensure that all AAs are trained in all H and S issues. This would include issues concerning behaviour and incidents in police stations, health risks and (free) access to appropriate vaccinations etc. There should also be a comprehensive risk assessment of the role undertaken, to which all AAs would have access.

Comment: The risk assessment referred to above concerns the role as a whole, and is separate from the risk assessment in custody suites which is the responsibility of the custody officer.

Schemes are advised not to give specific advice about vaccinations as this is a medical issue. However the risk factors and the options should be covered fully as part of the induction process, and AAs should be advised to seek medical advice and then make their own decisions. Access to the full range of vaccinations should be made as easy as possible. Some schemes have negotiated this through their local police service medical services.

15. Ratio of managers to AAs

A suitable ratio will depend on a number of issues. For example, the level (if any) of admin support the scheme manager has, other work the manager has responsibility for, on-call demands and level of his/her own managerial support and back up. Depending on these factors the maximum number could be anything from 25-40 AAs per manager.

Comment:

16. Types of call outs

All AA schemes should cover all PACE interviews in police stations. Other PACE interviews at locations other than police stations may be covered. For non-statutory organisations this is a matter for agreement with the funder.

Comment: Supporting vulnerable witnesses and victims is a different role, which may be provided by other agencies e.g. Victim Support or a 'pre-trial support person' (PACE Code D). Any scheme choosing to provide these additional services should be aware both of cost and training implications, and of potential overlap with other services.

Similarly any schemes choosing to provide AAs for non-PACE interviews need to be aware of cost, resource and training implications.

AAs are not involved in the assessment process when a vulnerable adult has been removed to a Place of Safety under Sections 135 or 136 of the Mental Health Act 1983.

While there is nothing in legislation to stop an Approved Mental Health Professional involved in an assessment subsequently taking on the role of an AA for the same detained person, (should the police decide to pursue a criminal case), it would not be considered good practice to do so.

17. Organisational/scheme policies

Schemes should have the following organisational policies in place:

Health and safety

Policy on using volunteers (if applicable)

Equal opportunity/diversity/inclusion policy, including policy on employing ex-offenders

Training policy

Expenses policy

Confidentiality policy

Complaints policy for stakeholders and service users e.g. detainees,
local authorities and police
Whistle blowing policy

Comment: Model policies are available from a wide range of national and local bodies, such as Volunteering England and the local CVS, but should be adapted to suit each particular organisation's situation.

18. Working protocol

Schemes should have a detailed working protocol outlining expectations of all parties in respect of organisation policies, partnership working, etc and outlining consequences if the protocol is breached.

Comments:

19. Record keeping and information sharing

Schemes will keep records on call outs to enable them to provide an effective service and to satisfy the requirements of funders, and if working with juveniles, the requirements of the Youth Justice Board. Names of detainees should only be recorded and used to enable more effective working of the scheme and commitments to relevant partner agencies (e.g. YOTs, social services departments).

Comments: Schemes should ensure that any information sharing protocols are compliant with Data Protection and other relevant legislation. Records should deal with facts not opinions.