

***Who's looking out for the children? A joint inspection of Appropriate Adult provision and children in detention after charge.***

NAAN welcomes the recognition of the crucial role that appropriate adults have and should have in supporting children detained in police custody. We endorse many of the findings and support many of the recommendations in this detailed and comprehensive report. In particular:

1. We agree with the authors of the report that the local authority (through the youth offending team) should ensure the provision of a high quality appropriate adult service that meets the needs of the child that has been detained and is not just process oriented. Appropriate adult (AA) services need to ensure that they have effective quality assurance mechanisms in place to monitor the effectiveness of the appropriate adults' actions and behaviour while in the custody suite. Feedback from our members suggests that in some areas the apparently low priority (and consequent lack of resources) allocated to appropriate adult provision by the local youth offending team (YOT) adversely affects the quality of that provision.
2. We agree with the recommendation (7) that the Home Office should adopt within PACE the definition of a child as outlined in the Children Act 2004, and have been working with the Home Office, the Ministry of Justice, the Youth Justice Board and others to try and ensure that this issue is addressed through the Legal Aid, Sentencing and Punishment of Offenders Bill which is currently going through parliament.

However, the report appears to suggest that the appropriate adult should be the vehicle through which the local authority meets its safeguarding and all related obligations (under the Children's Act 2004) to vulnerable children held in police custody. One of the good practice examples (para 3.57) outlines the work of a social worker acting as an AA and then going on to (among other things) arrange foster care and transport the child to that placement. The report emphasises the need for the AA to have detailed information in advance about the child and be prepared to contact parents and others and take on wider responsibilities as part of the AA role.

While the scenario may be described a good social work intervention, it goes beyond that of the role of AA as legislated under PACE and as described in the PACE Codes of Practice. Most volunteer AAs would be specifically advised by their manager not to go beyond the limits of the AA role i.e. trying to ensure that the child's rights and entitlements were met, their immediate welfare needs were taken account of, any safeguarding issues were identified and that they understood and were able to engage in the process. When YOT

workers or social workers undertake wider duties, they are doing this as a YOT worker or social worker and not as an appropriate adult.

Thus while good communication and the sharing of relevant safeguarding-related information is crucial, it is not necessarily the case that the appropriate adult role is better performed by someone with detailed prior knowledge of the child concerned. In fact there is some anecdotal evidence to suggest that the detained young person relates more easily to an independent trained volunteer appropriate adult who is not seen as part of the 'system'. Access to detailed background information is not necessary for the appropriate adult to perform his or her role as defined in the PACE Codes properly.

By suggesting a significant change and extension to the AA role with major resource and other implications, there is a risk that attention will be diverted from the valid and useful critique of the (often over-process driven and under-resourced) delivery of the existing more limited AA role. The important point is for the appropriate adult to have sufficient training, support and knowledge to be able to identify possible wider needs and then refer on to a professional in the YOT or local authority (or to the local Liaison and Diversion service) –and for the YOT or local authority to be prepared to take that responsibility, make any further assessment necessary and – crucially – react in a timely manner.

Additionally, if the AA is to be expected to fulfil wider local authority statutory (safeguarding) responsibilities to children in police custody how will those duties be met in the majority of cases where there is no professional<sup>1</sup> appropriate adult involvement?

Finally, we note the recommendation (9) for the Home Office to produce suitable guidance for parents and carers. NAAN has already worked with the Home Office to produce joint guidance early this year and we have received positive feedback about this from both parents and the police. We have doubts about the practicality of providing further detailed guidance about this complex role (however 'user-friendly' it is) for parents who find themselves in the pressured environment of a custody suite. However good any new Home Office guidance might be, parents or other carers are rarely going to have the necessary knowledge or be in a position to access the sort of support and resources that a YOT worker or social worker can.

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NAAN is the national body supporting and representing organisations providing appropriate adult services in England and Wales. NAAN is a registered charity and receives funding from the Home Office. It has developed National Standards which have been endorsed by both the Home Office and the Department of Health. For further information visit [www.appropriateadult.org.uk](http://www.appropriateadult.org.uk) or contact [lispritchard@appropriateadult.org.uk](mailto:lispritchard@appropriateadult.org.uk)

<sup>1</sup> By 'professional AA' we mean trained appropriate adults operating as part of organised schemes (whether they are paid workers or volunteers) who are called in when parents or other carers are unavailable.