

Side by side:

Elizabeth Pritchard, chief executive of the National Appropriate Adult Network (NAAN)

Every day, hundreds of children in England and Wales are arrested by the police. Once taken to a police station, they have three basic rights:

- The right to free and independent legal advice;
- The right to have someone informed of their arrest;
- The right to consult the Codes of Practice which explains police powers and procedures.

Young people and adults who are considered to be mentally vulnerable must have an 'Appropriate Adult' – someone who can support them during the process. An appropriate adult can be a family member, friend or often a volunteer or social/health care professional.

The role of the appropriate adult is particularly important as children and vulnerable adults are often frightened on arrest and may not understand their rights and the proper procedures to be followed.

However the right to have an appropriate adult is limited to young people under the age of 17. Under the current law, 17 year olds are treated as adults at the police station, but as children by the court system and can be sent to the youth court.

It's an anomaly that has angered many professionals including Elisabeth Pritchard, chief executive of the National Appropriate Adult Network (NAAN). She explained: *"Under PACE (Police and Criminal Evidence Act) juvenile means children and young people up to the age of 16. Seventeen year olds are not included, yet most other, and certainly more recent legislation, treats 17 year olds as children. So we want that to be brought into line and for 17 year olds to be treated under PACE as they are under other legislation."* She continued: *"Also, vulnerable 17 year olds generally won't get picked up by adult services because organisations providing services to adults will often only provide those services to adults, and see 17 year olds as children, so they fall between the cracks. It's a big problem."*

We have been campaigning on that issue for several years. We are delighted that there is now a proposal in the current review of PACE for that anomaly to be removed. However just when that will come into effect we don't know."

NAAN began more than 10 years ago as an informal network of people and associations of people

involved in providing appropriate adult services and gradually developed into a more formal network. Now a charity and limited company, it is governed by a Board of Directors/Trustees and consists of nearly 100 members. Of those, around 85 are full members, that is organisations providing appropriate adult services, and the others are associate members such as police officers, trainers, other organisations and solicitors.

The network was developed to improve the quality of appropriate adult services and provides high quality training, information and advice for members. Police officers have also come to greatly appreciate the role and many are involved with NAAN.

NAAN's lobbying arm has also been particularly effective, helping to secure changes to the recently introduced amendments to the criminal legal aid system. Under the new system, suspects are entitled to 'telephone only' legal advice for many minor cases. NAAN and other organisations argued that the right to legal advice in person was crucial for children and vulnerable adults.

"At the very last minute the Legal Services Commission gave way to the lobbying, and agreed that suspects who were entitled to the support of an appropriate adult, would retain the right to legal advice in person in all cases."

A trained social worker, Pritchard has worked in the fields of homelessness, drug and alcohol misuse, and mental health and brought her expertise in managing umbrella organisations in the voluntary sector to her role as chief executive.

Despite not having a background in directly providing appropriate adult services, she is enthusiastic about the importance of having an appropriate adult. *"What outlines to me the importance of the appropriate adult role is the messages and mail I get from parents who are called in to act as an appropriate adult, but because they didn't understand what that role was ended up with decisions being made that they later regretted. They hadn't asked for legal advice for example; or they might advised their child to accept a caution but didn't realise the implications such as their child being unable to go to America because they've got a warning or caution on their record. That's highlighted for me the need for a professional service."*

A current review of PACE could place even more emphasis on the role of the appropriate adult. One of the proposals is to make the appropriate adult a professional person which means that the role would have to be undertaken by a trained person thereby excluding parents and other family members from being the first port of call.

NAAN holds mixed feelings about such a change. *"I think that it's a recognition that it's a complex role and to fill that role properly you do need to have a level of training and understanding of what the role is,"* said Pritchard. *"So the question then would be what role do the parents have? We would still want them to be involved in the process and not be excluded. They will have rights and responsibilities and that would need to be defined."*

She continued: *"We have major concerns about the resource implications of taking parents out of the equation. We estimate that our members probably go to 1 in 10, to 1 in 5 of appropriate adult call outs that relate to juveniles. If you took parents out, the workload would go up between 400 and 900%. You are going to increase the demand massively, and we*



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have real concerns that resources won't be available for that, particularly in the current economic climate. Even if resources are made available, there is still a long lead in time to recruit, train, and support appropriate adults if those changes are going to be effective. There's no point bringing them in if they aren't going to be effective or children in custody will be in a worse situation than they were before."

Another major concern for the organisation is the difficulty in securing appropriate adult services out of office hours. Pritchard pointed to a number of complaints by the police when the services are unavailable. She said: *"The major complaint is about the variability of services out of hours. YOTs (Youth Offending Teams) have a responsibility to ensure the provision of the service across the board, whether they provide the service themselves or commission*

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another organisation to do so. This can work very well. However, if they ask the social services’ emergency duty team to provide the service out of hours it often doesn’t work well because they have other calls on their time and they see the appropriate adult call out as one of many. And they don’t necessarily meet the target to respond within two hours and so forth, so children can be held in custody for much longer than is necessary. It’s a big issue that we’ve taken up with the YOTs and the Youth Justice Board. We would like to see more responsibility for out of hours provision to ensure that the Youth Justice Board’s own national standards are met. Some YOTs put in adequate resources to fund appropriate adult work and others frankly don’t and where they don’t it’s problematic.”

Proposed changes to PACE could see a major shake up of the role of the appropriate adult and parents; in light of those proposals, Pritchard is keen to see a greater take up of the appropriate adult role from all members of the community.

She explained: *“Involving members of the local community in the appropriate adult role has worked well in some places and has broken down a lot of barriers. So for example where some voluntary sector schemes have been successful, is in recruiting volunteers from across the community- young, old, black, white, male, female. When those people who are going in to act as appropriate adults reflect the diversity of their local community, that has broken down barriers between the community and the police. It can also be reassuring for the child who is in custody. That’s something we should see more of.”*

PROPOSALS IN THE 2008 PACE REVIEW¹

- The role of the appropriate adult should be limited to those who have received adequate training.
- Parents, guardians or other relatives or friends of the suspect should be invited to attend the police station but the investigation should be able to proceed in their absence.
- Extend the role of appropriate adult to act as a facilitator between the police and the parent, guardian etc.
- Strongly promote the continued use of the trained volunteer and encourage the benefits to be achieved from using professional appropriate adult agencies.
- Give a statutory role to police authorities to ensure that an effective appropriate adult scheme is operating in their police area in conjunction with maintaining the requirements under the Crime and Disorder Act 1998 which places a statutory duty on local authorities to provide youth justice services to such extent as is appropriate for their area.
- Develop local protocols with voluntary schemes on attendance and response times, with social services’ departments and service level agreements with commercial companies.
- Extend access to appropriate adults for those in custody from under 17 to under 18.
- Consider the potential for appropriate adult support through the CJS process.
- Provide access to an appropriate adult during voluntary interviews.
- Scope the potential for developing a national support structure for appropriate adults and custody visitors on recruitment and retention, communications, learning the lessons and monitoring and accountability.



FOOTNOTE:
1 <http://www.homeoffice.gov.uk/documents/cons-2008-pace-review/cons-2008-pace-review-word?view=Binary>
PACE Review: Government proposals in response to the Review of the Police and Criminal Evidence Act 1984 Policing Powers and Protection Unit, Home Office August 2008