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National Appropriate Adult Network

07 February 2025

Dame Diana Johnson MP
Minister of State for Policing, Fire and Crime Prevention
Home Office
2 Marsham Street
London
SW1P 4DF

Dear Minister,

I am writing to request a meeting to discuss a statutory duty to provide appropriate adults (AA) for vulnerable adults, when required by police. A lack of accountability is leaving people with mental illnesses, autism, or learning disabilities without access to justice, and damaging police efficiency.

PACE 1984 requires police to *secure* an AA to safeguard the rights, welfare, and effective participation of a child or vulnerable adult during police custody, interviews, and strip searches. To ensure independence the AA cannot be employed, controlled, directed by, or under contractual arrangements with a police force.

Consequently, the Crime and Disorder Act 1998 (s.38) places a duty on local authorities to *provide* AAs for children when required by police. Schemes exist in every area of England and Wales, with oversight via HMI Probation inspections of youth justice services.

In contrast, there is no legal responsibility or inspection framework for vulnerable adults. Despite historically being social work, fewer than 50% of local authorities still provide AAs for adults. HMICFRS custody inspections regularly highlight poor AA availability. Without AAs, police officers cannot lawfully conduct custody and investigative procedures, and are less likely to record people as being vulnerable. Proceeding without an AA has led to breaches of rights (e.g. Child Q), miscarriages of justice (e.g. Oliver Campbell), quashed convictions (e.g. R v Aspinall) and failed prosecutions.

The situation is unstable. Local scheme closures are unpredictable. Half of PCCs have been forced to step in at short notice to protect police efficiency and effectiveness. Local negotiations regarding responsibility have been inefficient and impacted joint working on issues such as community safety. The unintentional partial shift to PCCs has led to a postcode lottery. This week the Mayor of London announced £5.4m for vulnerable adult AA services. In contrast, Humberside PCC's partnership with Hull University to provide volunteer AAs at Clough Road proved unsustainable, and closed in 2022.

As a small national charity with around 100 member organisations, we are working hard to support local authorities, PCCs, businesses and charities to ensure the best possible AA provision. We've worked in close partnership with the Home Office for over 20 years and I am deeply grateful for the department's ongoing financial support.

However, there a broad and long-standing consensus that a clear national framework for local accountability is required. This is something that only central government has the power to create.

Since 2014, home secretaries and policing ministers have publicly recognised the problem. However, Home Office efforts to secure a voluntary framework in 2018 were unsuccessful, and no further action was taken by ministers.

The issue has been raised in both Houses. Senior figures including Chief Constable Ivan Balhatchet (NPCC lead for custody), Deputy Mayor Kate Green (APCC lead for custody and mental health), Dame Anne Owers (Chair of the Independent Custody Visiting Association), Dame Vera Baird, Lord Patel and Lord Keith Bradley support action.

Officials in the Home Office Police Powers Unit are well briefed and fully appreciate the significance of this issue. I enclose a short briefing and further information is available on our website www.appropriateadult.org.uk/policy/vulnerable-adults/statutory-provision.

I would appreciate the opportunity to meet with you at your earliest convenience to discuss how we can move forward in the interests of justice for all.

I look forward to your response.

Kind regards



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