National Appropriate Adult Network

NAAN | Policy

PACE Code C / Rights & Entitlements Consultation Response

April 2014

Code C

Paragraph 2.4

- We support the change from 'or' to 'and', which clarifies that both the AA **and** the solicitor must be permitted to inspect the custody record.
- We suggest adding the words 'In addition' to the start of the second sentence. This would make clear that the powers given in the first sentence are entirely distinct from those provided by subsections (a) and (b).

Note 3B

- Not renewing the audio versions for foreign languages is a reasonable step, subject to the continued availability and use of translation over the telephone.
- Rather than being deleted, Note 3B might be amended to indicate usage of this service.

the national appropriate adult network limited • charity no. 1104765 • company no. 04680035 • www.appropriateadult.org.uk

Rights & Entitlements

People who need help

Section title

- Consideration should be given to changing the section title to a more positive one, such as “Advice and assistance” or “Support and advice”.

Bullet point 1:

- The phrase “…or you have learning difficulties or mental health problems” does not capture the full range of mental vulnerability that triggers the requirement for an AA. We would be happy to assist in revising this clause.

Bullet point 5:

- AAs must also be present for the giving of information about the circumstances under which the child can waive their right to written translations of ‘essential documents’; the reminder about their right to legal advice; consent to waive (Code C Annex M: 7(a))

Bullet point 6:

- The rights and entitlements do not make clear that the AA can make representations by phone if they are not actually at the police station. AAs must be (a) consulted and have their views considered and (b) enabled to support the child in their legal right to make their own representations (if a solicitor is not making them) before any decision to extend the maximum period of detention beyond 24 hours (PACE s.42(1) and s.42(6), Code C 1M(d)(i), 15.2A(c)). They must also be given reasonable opportunity to be ‘available’ to make representations before a decision on continued detention. Police should make reasonable efforts to give the solicitor and appropriate adult sufficient notice of the time the decision is expected so they can make themselves available, in person or by phone/electronic means, in time to enable them to make representations (Code C 15.3, 15CA). The current draft suggests that if they are not physically available and present then the police may proceed without them.

- Although, the requirement for an AA for charging is mentioned, cautions are not explicitly mentioned.

Overall design

- Using all capital letters in the information boxes and sub headings may make the document more difficult to read. Consideration should be given to changing to normal sentence case, using bold for emphasis, rather than capitals.