

National Appropriate Adult Network

10th Anniversary Event: *Safeguarding children and vulnerable adults in police custody*

NAAN

NAAN is the national infrastructure charity for the development of effective appropriate adult policy and practice. Our vision is that every child and vulnerable adult detained or interviewed by police has their rights and welfare safeguarded effectively by an appropriate adult (AA). Our mission is to gather, develop and share knowledge, skills and standards that inform, inspire and support effective appropriate adult policy and practice. We set national standards, provide information, guidance and training, support volunteering, conduct research and inform policy making.

NAAN's 100 members form a national network, allowing us to disseminate information quickly to practitioners and ensure policy makers have a front line perspective. We produced and maintain the first national standards for AA schemes, developed the first unified training pack for AAs and have supported the development of an OFQUAL registered accredited qualification. Our advice service assists with various queries including scheme development, AA management, the legislative framework, best practice and connecting members of the public to volunteering opportunities. NAAN also provides regular professional development days throughout the year.

NAAN began as an informal network following a conference held in 1995 by concerned practitioners, MIND, MENCAP and the Revolving Doors Agency. It became a charity in 2004 and its President is Lord Patel of Bradford OBE. NAAN is funded by members' subscriptions, the provision of training and Home Office and charitable grants.

Appropriate Adults

Appropriate adults (AA) help to achieve a fair justice system by safeguarding the welfare and rights of children and mentally vulnerable adults. Under the Police and Criminal Evidence Act 1984 (PACE), and its Codes of Practice, police must secure an AA whenever they detain or interview a person under the age of 18 or a mentally vulnerable adult. Under the Crime & Disorder Act, an AA must also be present when a juvenile (aged 10 to 16) is given a Youth Caution or Youth Conditional Caution.

Across England and Wales, AAs spend countless hours in police stations providing support, advice and assistance. The role is complex and distinct from any other in custody. Their work ensures, fair treatment, respect for rights, effective communication and participation, and guards against false confessions.

AAs ensure that detained people understand and exercise their rights, such as that to free legal advice. They are concerned that basic needs are met, such as access to drinks and toilet facilities, often helping people to overcome fear and misunderstanding. They can help to facilitate communication, check understanding and prevent aggressive interrogation or encouragement to confess. AAs can exercise specific powers under PACE, including: inspecting the custody record; securing legal advice; securing breaks in interviews; and making representations regarding continued or extended detention.

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Children and Young People

Often a child's AA will be a parent or guardian with no experience or training. Youth offending teams (YOT) have a statutory duty to provide AAs for children and will do so whenever a parent is unavailable, unwilling or unsuitable. AAs may come directly from the YOT or via a contracted provider such as a local children's charity. Many AAs are local volunteers.

The particular vulnerability of children detained by police has recently been tragically illustrated by the suicides of 17 year olds Edward Thornber, Joe Lawton and Kesia Leatherbarrow. In 2013, following a judicial review, NAAN welcomed the Home Office's decision to amend the PACE Codes of Practice to extend appropriate adults to 17 year olds.

17 year olds make up a large proportion of all arrested children and providing them with AAs has meant significant increases in demands on schemes. NAAN is supporting schemes to adapt, while working with the Home Office to ensure that this welcome change is properly funded.

NAAN also welcomes the amendment in the Criminal Justice and Courts Bill 2014 which requires AAs for 17 year olds receiving a Youth Caution or Conditional Caution. However, PACE 1984 defines 'juveniles' as being up to the age of 16, meaning 17 year olds continue to be treated as adults in some critical ways. For example, unlike other children, they are excluded from being transferred to local authority accommodation post charge. As a member of the PACE Strategy Board, NAAN is encouraging a legislative change to ensure an equal level of protection for all under 18s.

Vulnerable Adults

Under PACE, a custody officer must call an AA immediately if they have any suspicion, or are told in good faith, that a person has a mental disorder or mental vulnerability. 'Mentally vulnerable' includes anyone who, because of their mental state or capacity, may not understand the significance of what is said, of questions or of their replies. This includes people with mental illness, learning disabilities, ADHD and autistic spectrum disorders. If there is in *any doubt* about a person's mental state or capacity, an AA is required for procedures such as identification, searches and interviews.

Despite this, no authority has a legal duty to provide AAs for vulnerable adults. Provision is variable dependent on local engagement, particularly of health and social care authorities. Where there is no AA scheme, police may resort to asking members of the public with no knowledge of the role. Police may make pragmatic decisions not to identify vulnerability, to reduce time in custody. This presents a serious risk to custody, safeguarding, fairness and outcomes for vulnerable people.

Identification of mental vulnerability by police has been low for other reasons including limited training. An analysis of 21,000 custody records found an AA was used in only 0.016% of cases (Bradley Report). The CJJI thematic inspection on learning disability (2014) found that custody staff were often unable to recognise learning disabilities and AAs were not always called, even when learning disability was recorded. The Government's commitment to liaison and diversion services in every custody suite by 2017 should help to identify when adult detainees need support from an AA.

However, funding for vulnerable adult AA services is increasingly being cancelled due to budget pressures and its non-statutory nature. NAAN is supporting local and regional stakeholders to find intermediate solutions such as co-commissioning, while working with others towards the creation of a statutory duty, to ensure parity with services for children.

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