National Appropriate Adult Network

ICPR Institute for Criminal Policy Research

Executive Summary

There to help

Ensuring provision of appropriate adults for mentally vulnerable adults detained or interviewed by police

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The role of appropriate adults (AA) is to safeguard the welfare and rights of children and mentally vulnerable adults who are detained or interviewed by police. The Codes of Practice of the Police and Criminal Evidence Act 1984 (PACE) set out the purpose and powers of AAs, and the responsibilities of the police in this regard.

In December 2014, the Home Secretary commissioned the National Appropriate Adult Network to examine current AA arrangements for vulnerable adults, identify shortcomings in provision, and develop recommendations for ensuring provision for all who need it. The project entailed a review of existing literature and law (Papers A to C), new data from police forces, liaison and diversion services, AA services and custody officers (Papers D to E) and interviews and consultation involving senior stakeholders and individuals with direct experience of the criminal justice system (Papers F and G).

Findings

The main findings of the research and consultation undertaken for this project are:

1. There are significant shortcomings in current AA provision for mentally vulnerable adult suspects, particularly in terms of:
    - inadequate police practices with respect to identification of suspects' vulnerabilities and the need for AAs, and the recording of relevant data
    - limited availability of AAs;
    - variable quality of AAs.
2. Many vulnerable adults do not receive the support of an AA or receive it only for part of the custody process. This undermines their welfare, inhibits the exercise of their legal rights, risks miscarriages of justice and lengthens custody times potentially increasing the risk of self-harm.
3. The underlying causes of these findings include: the absence of statutory duties either to secure or to provide AAs for vulnerable adults; lack of appropriate training and screening tools for police; time pressures in the custody suite; diminishing public sector funding and a lack of clarity over responsibility for commissioning.
4. Legislative changes aimed at promoting equality (such as the Equality Act 2010) and national initiatives focused on vulnerable people in the criminal justice system (such as liaison and diversion services) provide a favourable policy and commissioning context for the enhancement of AA provision.
5. On the basis of a conservative estimate, 11% of adult suspects require an AA (as defined by PACE Code C); the annual cost of ensuring full provision of trained AAs from organised schemes, throughout the custody process and across England and Wales, is estimated at £19.5 million (£113,000 per local authority). Current national spending on AA provision for adults is estimated to be in excess of £3 million per year.

Recommendations

Recommendations for ensuring full AA provision for all vulnerable adults are:

1. To develop a new approach at a national strategic level and a vision shared by relevant departmental bodies, agencies and organisations that:

   In the interests of individuals' welfare and of justice, all mentally vulnerable adults should have access to the timely support of a competent AA throughout any period of detention in police custody or the conduct of any voluntary interview;

2. To locate AA provision within existing strategic frameworks, of which the preferred option is to incorporate AA services within the liaison and diversion framework
3. Establish AA provision within a clear and consistent national framework for local co-commissioning, with commissioning co-ordinated and informed by Health and Wellbeing Boards and Safeguarding Adults Boards
4. To develop enhanced national standards to provide national support for local co-commissioning;
5. To ensure consistent police record keeping on vulnerable suspects, identification of need for AAs, the securing of AAs, and where they came from;
6. To integrate simple screening questions in all police custody risk assessments and ensure all custody officers have received training on vulnerability and AAs;
7. To amend the PACE Codes of Practice to clarify and simplify their provisions on AAs;
8. To consider amending PACE 1984 to establish an explicit statutory duty on police officers to secure an AA for all mentally vulnerable adults; and to bring greater consistency to the approach of courts on the admissibility of evidence obtained in the absence of an AA;
9. To consider establishing a statutory duty to ensure provision of an AA when requested by police, to create parity with children's AA services;
10. To provide short-term programme funding of £3m to £5m per year to support the inclusion of AA provision within mainstream budgets. This could be to 2017 (subject to integration into the liaison and diversion framework and HM Treasury approval) or longer if required.