

## 5.1.1 Guidance for the Role of Appropriate Adult in Relation to Young People Detained

### Legislation and Guidance

The Children Act 1989: (8.8)

Crime and Disorder Act 1998 Section 38.(4)

Police and Criminal Evidence Act 1984 and its Codes of Practice (PACE)

### Other Resources:

Children's Commissioner for Wales Report: *A Night in the Cells: Children in police custody and the provision of non-familial appropriate adults* JUNE 2017

### Scope of this chapter

For the purposes of this document "young person" refers to those aged 10 - 17 years inclusive.

### Contents

---

1. What is an Appropriate Adult?
2. Who can be an Appropriate Adult?
3. Who should Not be an Appropriate Adult?
4. Summary of Roles and Responsibilities of the Appropriate Adult
5. What to do if the Police Request an Appropriate Adult
6. Prior to Attending the Police Station
7. On Arrival at the Police Station and During Police Investigations
8. Revision History

### Additional Guidance

- <https://www.gov.uk/guidance/appropriate-adults-guide-for-youth-justice-professionals>
  - [Police and Criminal Evidence Act 1984 \(PACE\) CODE C – Revised Code of Practice for the detention, treatment and questioning of persons by Police Officers](#)
-

## 1. What is an Appropriate Adult?

---

When a person is arrested by the police and taken to a police station they have three basic rights:

- Free and independent legal advice;
- To have someone informed of their arrest;
- To consult the **Police and Criminal Evidence Act 1984 (PACE) Codes of Practice** concerning police powers and procedures

When the person is under the age of 17 years or a vulnerable adult (The custody Officer is responsible for identifying vulnerable people. In addition to those under the age of 17 years, they may include people with a learning disability, mental health difficulty or those who for other reasons have difficulty in communicating or understanding what is happening to them.), the PACE Codes of Practice provide for an "appropriate adult" to be called to the police station. The appropriate adult is required to be present during the course of the police interview and key stages of investigations conducted in the police station (PACE Code C, para. 11.15). The aim of this PACE provision is to safeguard the rights and welfare of young people and vulnerable adults in custody.

## 2. Who can be an Appropriate Adult?

---

The definition of an appropriate adult (PACE Codes of Practice Section C, 1.7(a)) can be summarised as:

- The parent or guardian, or if the young person is being looked after under the Children Act 1989 and 2004, a person representing that authority or organisation;
- YOT worker or other health or social care professional; or
- A responsible adult aged 18 or over who is not a police officer or employed by the police and assessed as being able to give the young person advice.

## 3. Who should Not be an Appropriate Adult?

---

A person should not act as appropriate adult if:

- They have received admissions or denials about the offence(s) before they act as appropriate adult, or are a victim or witness to the offence(s);
- They are suspected of being, or known to be, involved in the offence(s) concerned;
- A parent who is estranged from the young person, if the young person objects.

The decision as to whether staff from children's care homes can fulfil this role will depend upon the circumstances and context as to why the young person is in custody. For example:

- If the alleged offence is not related to any reported matter against staff and/or property then it would be reasonable for staff to act as appropriate adult;

- If the alleged offence is related to a matter reported by staff about any injury, matter, and/or damage to staff, possessions or company property, it would not be reasonable for staff to act as appropriate adult;
- It may be reasonable for other staff to act in the role of appropriate adult if they work in another care home not connected with the young person.

In respect of foster carers, similar principles should apply.

The defence lawyer is advised to be alert to potential conflicts of interest arising from the appointment of an appropriate adult.

#### **4. Summary of Roles and Responsibilities of the Appropriate Adult**

The presence of an appropriate adult is required:

- When the young person is informed of their rights;
- During a strip or intimate search;
- During police interview;
- When fingerprints or samples are taken;
- When the detained person is part of any identification procedure;
- At the point of charge.

In summary, the appropriate adult's key roles and responsibilities during these processes are to:

- Ensure that the detained person understands what is happening to them and why. It is important to take into account any mental health problems, learning disabilities and speech, language and communication problems;
- Ensure that the detained person understands their rights and that the appropriate adult has a role in protecting their rights;
- Support, advise and assist the detained person, particularly while they are being questioned.
- Observe whether the police are acting properly, fairly and with respect for the rights of the detained person. To intervene if it is thought that they are not;
- Facilitate communication between the Police and the detained person - the appropriate adult plays an important role and must be pro-active in undertaking his/her responsibilities. The role is not one of simply observing proceedings in the Police station.

It is **not** the role of the appropriate adult to provide legal advice and conversations with the detained person are not covered by legal privilege - you may therefore be required to divulge the content of discussions in subsequent legal proceedings.

#### **5. What to do if the Police Request an Appropriate Adult**

The police will usually approach their local Youth Offending Team to request an appropriate adult. The YOT should ascertain the reasons for an appropriate adult being required and why a parent or guardian will not be in attendance with the young person.

If it is agreed that an appropriate adult does need to be provided, depending on local arrangements, this role will normally be undertaken by either a YOT worker or volunteer during their working hours. Outside their normal hours of duty, the police will normally contact the Emergency Duty Team, unless another organisation is commissioned to provide appropriate adults "out of hours".

In the event of it being agreed that it is in the young person's interests for another professional, such as a key worker, to act as appropriate adult this should have been agreed between the custody officer, YOT/EDT and the Manager of the member of staff being asked to undertake the role.

## **6. Prior to Attending the Police Station**

---

When notified about the arrest of a young person and it is agreed that you will act as appropriate adult the following information needs to be established before leaving to attend the police station:

- Full details of the young person arrested;
- State of the young person - health and emotional;
- Name of custody officer and name of investigating officer;
- Details of the offence;
- Time and place of arrest;
- Others who have been notified;
- Why an appropriate adult is needed (i.e. why is a parent or guardian not taking that role);
- Whether a solicitor has been requested;
- Estimated time of interview.

If the person being asked to act as appropriate adult is not based in a Youth Offending Team (YOT), they should contact their local YOT to make enquiries about whether the detained young person is known to the YOT. If the young person is known by the YOT, they must ask if the young person has any particular needs or difficulties. They should also ensure that the young person's social worker (or out of hours duty service) and those with parental responsibility are kept informed about the police investigations.

## **7. On Arrival at the Police Station and During Police Investigations**

---

For guidance about the role of the appropriate adult on arrival at the police station and during police investigations at the police station refer to **National standards for youth justice services Case Management Guidance, National Standard 3: Bail and remand management (including remand to local authority accommodation)**.

---

## **Revision History**

---

Date last updated September 2020

Date of next review: September 2021

Date of release: December 2018

**End**