

Appropriate Adults Policy

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1. Introduction and Purpose

When a child between the ages of 10-17 is detained at the police station for interview, regarding an alleged criminal offence under Police and Criminal Evidence Act PACE 1984, they have to be accompanied by an Appropriate Adult (AA). This is usually a parent/carer or if the child is looked after, a social worker. If a parent/carer says they are not able to attend the police station, Youth Justice Teams (YJT) are responsible for providing a trained person to act as an AA when a child is detained within the Youth Justice Team's local authority area.

When a Looked After child is arrested, the responsible Local Authority should ensure that the child has the support of an Appropriate Adult and a solicitor while at the police station. The solicitor should have expertise in youth justice and be provided with relevant information about the child's circumstances and needs, including key information from their Care Plan (and Pathway Plan if they are an Eligible Child).

The aim of this policy is to ensure that any child who is detained and/or interviewed by the police, including as a voluntary attender, is supported by an Appropriate Adult.

It is crucial that in all encounters with the police, children and young people below the age of 18 should be treated as children first. This policy is underpinned by the principle that all officers and practitioners must have the highest regard for the safety, welfare and well-being of children as required under S10 and S11 of the Children Act 2004 and the United Nations Convention on the Rights of the Child.

2. Scope of Policy

This policy sets out the duties and responsibilities of agencies involved in the management of arrangements for Appropriate Adults for all children in cases when their parents or carers are unwilling, unsuitable or unable to fulfil the role of an Appropriate Adult.

For more information on Appropriate Adults, including their role in supporting children and young people, and who can fulfil this role please see <https://www.appropriateadult.org.uk/>

3. Legal Context

Under the [Police and Criminal Evidence Act 1984 \(PACE\) codes of practice - GOV.UK \(www.gov.uk\)](#), Code C 1.13(d) police must contact an Appropriate Adult (AA) and have them present whenever they detain or question a child.

The National Appropriate Adult Network have developed [National Appropriate Adult Standards 2018](#) for the development and provision of Appropriate Adults (AA) IN England and Wales.

4. Definitions

What is an Appropriate Adult?

The role of the Appropriate Adult is to safeguard the interests, rights, entitlements and welfare of children suspected of a criminal offence; ensuring fair treatment, effective participation, understanding of rights, and the ability to exercise them. They support, advise and assist; observe and intervene; and assist communication. Importantly, they cannot give legal advice but can make sure a lawyer attends, even if a child has declined legal advice. The AA role covers the entire custody episode and can be complex and challenging.

[Children & young people - National Appropriate Adult Network](#)

When a person under the age of 18 is arrested, the PACE Codes of Practice require 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. The provision of an Appropriate Adult is intended to safeguard the rights and welfare of young people in police custody.

Who can be an Appropriate Adult?

In respect of children the relevant requirements for an Appropriate Adult are set out in: PACE Code C 1.7(a)

An Appropriate Adult (AA) can be:

- The parent or guardian of the child
- A Health or Social Care professional

- A responsible person over the age of 18 who is deemed able to give advice to the child.

For Looked After children/young people, this can also be:

- A representative of Children's Services
- A staff member from a residential setting
- A Foster Carer

providing that, the reason for detention does not relate to an alleged offence against that person or their property, other staff or property belonging to the service/residential setting.

Who should not be an Appropriate Adult?

Some people are not allowed to be an Appropriate Adult:

- anyone under the age of 18
- people connected to the police (see panels) unless they are the individual responsible for the person's care or custody.
- Some people are not allowed to be an Appropriate Adult in certain circumstances:
- anyone who might be a suspect, victim, witness or otherwise involved in the investigation.
- solicitors and independent custody visitors who are at the police station in those capacities.
- anyone who has received an admission of guilt prior to attending.
- a parent who is estranged from a child (if the child does not want them).
- the principal of a child's educational establishment (unless waiting would cause unreasonable delay and the offence is not against that establishment).
- a person suspected of involvement in the commission, preparation or instigation of terrorism (only if the person is being held under m (only if the person is being held under [terrorism laws](#).)
- a person may not sit as a [Magistrate in the same local justice area](#) in which they act as an Appropriate Adult
- people who have any other conflict of interest.
- 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 child 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 child.

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.

5. Summary of Roles and Responsibilities of the Appropriate Adult

The presence of an Appropriate Adult is required:

- When the child 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.

For a helpful guide on roles and responsibilities of an Appropriate Adult, please see the video on the NAAN website:

<https://www.appropriateadult.org.uk/information/what-is-an-appropriate-adult>

6. What to do if the Police Request an Appropriate Adult

The police will usually approach their local Youth Justice Team to request an Appropriate Adult. The Youth Justice Team (YJT) should ascertain the reasons for an Appropriate Adult being required and why a parent or guardian will not be in attendance with the child.

If it is agreed that an Appropriate Adult will be provided, this role will normally be undertaken by either a Youth Justice Team (YJT) worker or volunteer during their working hours. Outside their normal hours of duty, the police will normally contact the Emergency Duty Team (EDT) and this role will be undertaken by a volunteer or a member of the Emergency Duty Team (EDT).

In the event of it being agreed that it is in the child's interests for another professional, such as a key worker, to act as Appropriate Adult this should be agreed between the custody officer, Youth Justice Team (YJT), Emergency Duty Team (EDT) and the Manager of the member of staff being asked to undertake the role.

7. Prior to attending the Police Station

When it is agreed that a member of the Youth Justice Team (YJT) staff, Youth Justice Team (YJT) volunteer and or EDT member of staff will act as Appropriate Adult the following information must be established before leaving to attend the police station:

- Full details of the child arrested;
- State of the child - health and emotional;
- If the child has any particular needs, difficulties or diversity considerations;
- 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.
- State of the child's – health, emotional, communication needs and Special Educational Needs and Disabilities (SEND)
- Information regarding child's particular needs, difficulties or diversity considerations.

This information will be recorded on the Appropriate Adults request form, which is saved [CSC Team Information - AA Report Forms & Flowchart - All Documents \(sharepoint.com\)](#).

8. 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 please see [Guidance For Appropriate Adults - GOV.UK \(www.gov.uk\)](#) - Guidance for those who perform the role of 'Appropriate Adult' and the detained person benefiting from the Appropriate Adult's support.

9. Health and Safety

It is the Youth Justice Team (YJT)'s responsibility to ensure that all reasonable steps have been taken to minimise the risk of harm to volunteers acting as Appropriate Adults from potentially hazardous situations. This includes risk to personal safety, disease related risk and risk from hazardous equipment.

The Youth Justice Team (YJT) will ensure that:

- volunteers receive written Health and Safety Guidelines in relation to their work.
- general advice, information and training are given about Health and safety issues in relation to their role.
- volunteers receive clear guidance about their role and responsibilities.

Volunteers must always follow the guidelines set.

In the case of an incident, it should be reported to the Youth Justice Duty team immediately, or the Emergency Duty Team (EDT) outside of office hours on 0300 123 23 27.

10. Equal Opportunities

The recruitment of all volunteers for the role of Appropriate Adults will operate within the principles of the Somerset Council Equal Opportunities Policy and Somerset Youth Justice Diversity and Inclusion Policy.

Following completion of a formal application form, prospective volunteers will be interviewed and if shortlisted; volunteers will be made subject to Enhanced DBS checks and Barred Lists and reference checks before they engage in any activity with young people.

The Youth Justice Team (YJT) will provide information on equal opportunities and anti-discriminatory practice in relation to their role.

Volunteers must demonstrate their commitment to the Somerset Council's Equal Opportunities and the Youth Justice Diversity and Inclusion Policy and apply the principles in their work with young people.

11. Safeguarding - (Child Protection)

The Youth Justice Team (YJT) will ensure that all Appropriate Adult volunteers are aware of Somerset Council's Safeguarding Policy and Procedures. These procedures must be followed at all times. Induction training will cover Safeguarding policy and practice. Further training in this area will be offered at regular intervals and volunteers will be expected to attend.

12. Induction and Training of Appropriate Adults

The Youth Justice Team (YJT) will:

- Provide an induction programme (including a custody visit) to enable volunteers to carry out their role to the expected standards.
- Ensure completion of mandatory training, to include;
 - basic child protection,
 - data protection,
 - health and safety,
 - Prevent,
 - Appropriate Adult training and agreements around data protection/ confidentiality and driver risk assessment.
- Provide ongoing continuous professional development training sessions around specific issues related to the Youth Justice Service.
- Provide access to courses through the Somerset Council Learning Centre, Youth Justice Legal Centre and National Appropriate Adult Network.
- Respond to any training needs identified by volunteers, staff or children/families.
- Review of AA training, both mandatory and otherwise.

13. Support and Supervision of Somerset Appropriate Adults

The Youth Justice Team (YJT) recognises the need for volunteers to have ongoing support, particularly during and following cases where volunteers have experienced a traumatic or disturbing case.

The Youth Justice Team (YJT) will ensure that volunteers are offered appropriate support and supervision, in the form of:

- Consistent, informal support via telephone/and or face to face meeting, as deemed appropriate or at request.
- Formal supervisions -as requested and following any concerns identified by the Appropriate Adult, Somerset Council or anyone else.
- Access to Youth Justice Team (YJT) Psychologist – (where the need arises following traumatic/disturbing cases)
- Annual appraisal

14. Dealing with Complaints/Compliments

The Somerset Youth Justice Team is part of Somerset Council. Whether we've got something right, or could have done something better, complaints, comments or compliments can be registered via Somerset Council's [Complaints, comments, compliments page](#).

15. Becoming an Appropriate Adult Volunteer

To act as an Appropriate Adult in support of young people please visit [Somerset Volunteering – Volunteer opportunities in Somerset](#)