

Guidance for the Role of Appropriate Adult in Relation to Young People Detained Policy:

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Introduction:

Whenever a looked after child residing with HND Children's Care LTD aged under 18 is arrested, the Local Authority responsible 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 the Care Plan (and pathway plan if they are an eligible child.)

For more information on Appropriate Adults, including their role in supporting children and young people, and who can fulfil this role please see the link below:

<https://www.appropriateadult.org.uk/>

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1. What is an Appropriate Adult?

When the child under the age of 18 is arrested the child requires 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 children in Police custody.

2. Who can be an Appropriate Adult?

Generally, the responsibility of sourcing an appropriate adult will be passed to the placing Local Authority. Employees of HND Children's Care LTD MUST NOT act as appropriate adult but should inform the Police that a service will be commissioned, if not by the local authority, then by HND Children's Care LTD. Often, Police have direct access to the service and the staff of HND Children's Care LTD do not need to be involved in requesting the service.

3. 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 a 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 consider any mental health problems, learning difficulties and speech, language, and communication issues.
- Ensure that the detained person understands 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.
- Facilitate communication between the Police and the detained person
- the appropriate adult plays an important role and must be proactive 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. Conversations between the appropriate adult and the child are not covered by legal privilege - meaning they may



need to be divulged as part of any subsequent legal proceedings.

End.