



ANDERIDA ADOLESCENT CARE

APPROPRIATE ADULT POLICY AND PROCEDURE

It is Anderida policy and a legal requirement for all young people to have an appropriate adult present when any procedure requiring information, consent or signing between a young person and the police takes place. It is helpful, convenient and supportive for an appropriate adult from Anderida Adolescent Care to attend in such cases. However, this person must not be connected to the incident, i.e. as a witness or victim. This service can also be provided by an outside agency such as Catch 22, NAS or YOT. Young people do have a right to request their own appropriate adult; however, Anderida staff and the police must ensure that these adults are appropriate to support the young person.

When representing a young person as an appropriate adult (see Appropriate Adult guidelines below) it is important to remember that it is company policy for the young people in our care to always have legal advice from a solicitor. Even if a young person refuses legal representation or advice, providing the young person is below school leaving age or it is specified in their care plan, mentors have the right to request that a solicitor is called, and the custody officer must ensure this is done. The young person cannot be forced to see the solicitor when they arrive, but the above procedure should still be carried out and it noted in interview that a solicitor was requested, and the young person was strongly advised to use the service provided.

Community Resolution Orders/Violence towards staff

(The following is only relevant if the Local Authority have signed the consent form).

In some criminal cases a Community Resolution Order may be suggested by one of the parties involved (police, solicitor, young person, or Anderida Adolescent Care). **This cannot be suggested by staff, or agreed to, without first consulting the manager of the home.** All Community Resolution Orders (CRO) would ideally take place at a police station or custody suite, so that the young person can receive free and independent legal advice and understand the seriousness of the situation, however this is not part of the police policy which is to try and bring around a resolution without arresting the young person and taking them to the police station. On this basis it is often better to accept the community resolution if the young person is admitting responsibility and offering an apology and a desire to repair the harm rather than further criminalise a young person. At these times Anderida care staff in consultation with the homes Manager can agree if the young person is willing to go ahead with a CRO to act as appropriate adult and participate in the forming of a CRO contract without a solicitor being present providing they were not involved in the incident.

Anderida Adolescent Care has a zero tolerance of violent behaviour towards staff and consequently police may be informed of assaults. Anderida will always take action where there has been a violent incident, a Community Resolution Order may be appropriate, depending on the severity of the situation. This decision will be made after discussions between the manager/on-call and victim(s) and in consultation with police.

Guide to an Appropriate Adult

Appropriate adults are used as an important safeguard to provide independent support to:

- Young people under the age of 17, or

- A person who may be mentally disordered or vulnerable.

Your role as an appropriate adult is to support, advise and assist the young person and ensure that the police act fairly and respect their rights. You are not there to offer legal advice.

To help guide you, the following rights have been outlined:

The rights as an appropriate adult

- To be told why the young person is there.
- To speak to the young person at any time in private.
- To look at the custody record at any time.
- To stop an interview if you feel it is necessary and in the interests of the young person to help them communicate more effectively with the police.
- To ask for a break in any interview, either to seek legal advice or consult with a detained person (especially if the interview is long or the young person is distressed or ill).

Pocket Guides on acting as an appropriate adult, including interview protocols and what to expect as well as PACE are available within each Anderida home or workplace.

The rights of the young person

- The right to have someone informed of their arrest.
- The right to independent legal advice free of charge.
- The right to look at the police code of practice (PACE).

The custody officer must give the young person a written notice of these rights and, if under 17 or mentally vulnerable, they must be provided with an appropriate adult and advised of their duties.

The duties as an Appropriate Adult include the following and staff should ensure:

- They log on Anderida recordings for what event you have been called out to support the young person; whether this is to be present when reading the rights, present at an interview, attending bail, being charged, being questioned or presenting at an ID parade.
- The custody officer informs the young person of their rights and entitlements. (If this is carried out before you arrive it must be repeated in your presence).
- The young person is cautioned. If this is carried out before you arrive it must be repeated in your presence. (**THE CAUTION:** You do not have to say anything, but it may harm your defence if you do not mention when questioned, something which you may later rely on in court. Anything you do say may be given in evidence).
- Where appropriate a forensic medical officer has been called.
- You have informed the police and solicitor if the young person has any physical or mental difficulties and if the young person is known to self-harm or a suicidal risk.
- The young person has been offered food, drink and adequate overnight rest and the cells are checked regularly.
- You have insisted that you feel it is in the best interests of the young person to have a solicitor present, even if the young person has refused.
- You have asked to speak with the young person's solicitor and clarified what advice they are giving the young person, preferably this is done at the same time as the young person

meeting with their solicitor (You are **NOT** entitled to be present in legal consultation between a young person and their solicitor, unless there is good reason, but as an appropriate adult you should always ask to be in the meeting to both support the young person and gain an understanding of the advice given).

- You have challenged the solicitor if you are concerned about the advice that they have given.
- You are safe and that if you feel at risk with a young person there is a police officer present during any consultation.
- The young person has been told their rights and that they understand them.
- The young person understands why they have been arrested.
- The young person has been told the police procedures on interviewing and disposal.
- The young person is fit for interview and is given medical attention if required.
- The young person has been given the opportunity to make a telephone call.
- The young person understands the questions asked and you have sought clarification where the young person appears confused.
- You stop the meeting if you feel the young person is being put under any undue pressure.
- You stop the meeting if another crime is brought up by the young person and a new interview is completed for this.
- You stop the meeting if a crime is mentioned that you witnessed.
- You are present if the young person's outer clothes removed (subject to strictly limited exceptions)
- You are present during an I.D parade
- You have a copy of the charge/bail sheet if a young person is charged.
- A brief summary of the interview outcomes and charges are recorded in Anderida incident report and the legal diary in the care plan.
- Any appointments to answer bail/court are placed in the diary.

(Staff should take this procedure with them to use as a checklist)