

## **APPROPRIATE ADULT ROLE AND PROCEDURES**

Agreement is between Children and Young People's Directorate (CSC including EDT and YOT), Adults Health and Social Care and West Yorkshire Police Service (Calderdale District)

### **1. Purpose**

This document sets out the agreement on the provision of Appropriate Adult services for young people and vulnerable adults whilst in the West Yorkshire Police Service (Calderdale) custody suite and describes the duties and responsibilities of the respective agencies.

The procedure deals with the process for both young people up to the day before their 18<sup>th</sup> birthday and vulnerable adults who require the services of an appropriate adult in the police custody suite.

### **2. Parties to the Agreement**

The following Agencies are signatories to the Agreement

- Calderdale Youth Offending Team
- Calderdale Children's Social Care Directorate (inc Emergency Duty Team)
- Calderdale Adults Health and Social Care
- West Yorkshire Police Service (Calderdale District)

### **3. The Agreement**

Children and Young People's Service (YOT/EDT) will provide a person to act as an Appropriate Adult as defined by the Police and Criminal Evidence Act 1984 and its associated Codes of Practices for persons detained within Calderdale who are aged up to 17 years and for a person who is mentally disordered or otherwise mentally vulnerable under the following criteria:

- The Police have been unable to contact a parent, responsible family member or carer or,
- The parent, responsible family member or carer have refused or due to the nature of the offence are unable to act as an appropriate adult or,
- The young person is in the care of the Local Authority

Additionally there is an expectation that professionals working in residential units whether Calderdale Council or privately owned units will act as appropriate adults as Corporate Parents unless PACE prevents them from doing so.

In all cases the Police will make every effort to contact a parent, responsible family member or carer and will advise the YOT of enquiries made. This will include whether a parent, family member or carer will become available in the future.

CYPS via the YOT in partnership with AHSC will recruit, train and support a number of volunteers in being able to take on the role of appropriate adult. The services will endeavour to have AA cover by trained volunteers between 9.00am and 10.00pm every day.

**Appropriate Adult provision will be covered in the following ways**

- Volunteers - Every day 9.00am to 10.00pm
- YOT where a volunteer is not available (Monday to Friday 9.00am to 5.00pm )
- AHSC where a volunteer is not available ( Monday to Friday 9.00am to 5.00pm)
- EDT - 10.00pm to 12.00midnight – Police will contact EDT regarding the availability of someone to act as appropriate adult.
- EDT – Midnight to 9.00am – Police will contact EDT between these hours to inform EDT that detention has been authorised and liaise regarding the attendance of an appropriate adult taking into account presenting issues for example the police investigation, detainees presentation and time.
- 

**To request an Appropriate Adult the Police will make contact in the following ways**

- Ring the YOT for young people and Adults Health and Social Care for adults requiring an Appropriate adult 9.00am to 5.00pm Monday to Friday
- Ring Volunteers directly between 5.00pm and 10.00pm Monday to Friday and 9.00am to 10.00pm Saturday and Sunday and Bank Holidays
- Ring EDT after 10.00pm every day

During office hours the YOT will attempt to make contact with the named parent or carer with parental responsibility to determine whether that person is able to attend and is now in agreement to act as the appropriate adult.

The YOT and Police will at this stage take note of any accommodation/safeguarding issues that may exist for the young person on their release from police custody. The YOT and Police alongside partners will work on resolving accommodation issues at this stage. Safeguarding issues will be dealt with as directed by CMBC safeguarding procedures. Out of hours for issues regarding accommodation or safeguarding the Police will contact EDT.

Where the request for an appropriate adult is for a young person with a mental health disorder or otherwise mentally vulnerable, the Police will make this clear at the time of the request.

When making a request the Police will include as much information on the nature, date and location of the offence/allegation as is possible subject to disclosure restrictions.

The YOT duty worker will complete a social care check to ascertain if the young person is known to Care Services and will notify the relevant Care Team of the young person requiring an appropriate adult. Where a volunteer is taking on the role of appropriate adult out of daytime working hours EDT will provide advice /support to the volunteers when requested.

Where a young person who normally resides outside of Calderdale requires an appropriate adult the YOT/EDT will liaise with the relevant service to decide on the appropriate course of action to ensure the presence of an appropriate adult

Upon a request being made for an appropriate adult the relevant person acting as appropriate adult will agree on the time to arrive at the police station based on when all parties will be ready to proceed. The Police will ensure the latest time an AA volunteer is contacted is 9.00pm for a 9.30pm start. The appropriate adult will liaise with the Police to ensure the young person is having legal representation.

On arrival at the police station the appropriate adult will notify the custody staff of their arrival. Should there be a delay in gaining access to the custody area and commencing the appropriate adult role there should be liaison between the Police and appropriate adult to agree a time frame for commencing the role. Should the appropriate adult not be able to commence the role, a further request for an appropriate adult may need to be made once the Police are ready to proceed. Where it is clear there will be a delay the Police will contact the appropriate adult to discuss rearranging attendance at the Police station.

Where a young person has requested legal representation for interview the Police should arrange attendance of an appropriate adult alongside the legal representative to ensure proper use of time and resources. This does not negate the right of a vulnerable detainee to consult privately with the appropriate adult at any time.

Where a young person has declined legal advice and the Police have requested an appropriate adult, the appropriate adult will request to speak to the detained young person to ascertain their reasons why they don't want legal representation. Where the young person then changes their mind and wishes to have legal representation the appropriate adult will inform the Custody Sergeant who will arrange for a duty solicitor.

Having spoken to the duty solicitor the Custody Sergeant will inform the YOT/ AA of the new time set for interview.

An appropriate adult is able to overrule a young person who has not requested legal advice. (PACE 1984 Code of Practice C paragraphs. 3.19 and 6.5A).

It is not possible for appropriate adults to be booked in advance for pre-planned appointments, including 47/3 bail, identification procedures. Such requests will follow the procedure as outlined.

Where there is a need for the Police to interview past 10.00pm there should be liaison between the relevant services to discuss the reasons for conducting an interview past 10.00pm. Concerns to balance could be:

- the particular needs of the young person (with regard to age, vulnerability, and mental health)

- the need for a rest period for the young person
- the implications for the young person of being involved in an interview on a serious matter, which could continue well after midnight
- delay in the person's release from custody
- risk of harm to people or serious loss of, or damage to property
- delay which might prejudice the outcome of the investigation
- request of the detainee or legal representative

#### **4. Following Interview, post interview procedures ie photographs, DNA, finger printing etc**

On discharge of their PACE responsibilities a volunteer acting as appropriate adult will leave the Custody Suite. Volunteers will provide a written record of the process undertaken and send to the YOT.

As part of their duty of care to the detained young person the Police will return him/her to the custody of a parent, responsible family member or carer.

For young people residing in either Calderdale Local Authority accommodation or young people residing in private residential/foster care transporting will be the responsibility of that unit or foster carers.

Where a young person is detained who is the responsibility of another authority as part of their duty of care to the detained young person the Police will return him/her to the custody of a parent, responsible family member or carer. If the young person is a Child Looked After the police will contact the relevant Local Authority to make suitable arrangements and request that the transporting will be the undertaking of that unit or foster carers.

Where the Police decision is to charge and detain a young person for court the Police will contact CYPS ie YOT Monday to Friday 9.00am to 5.00pm and outside of these hours EDT for the Local Authority to take on the responsibilities for providing accommodation as per PACE. (See West Yorkshire Protocol for the Provision of Accommodation for Children Post Charge).

#### **Safeguarding**

Where there is a genuine refusal by parent(s)/carer(s) to accept the young person home and all efforts have been undertaken by the police, the Police will consider the implications and consider invoking Section 46 of the Children Act 1989. Where practicable it is best practice for the Police to consult with EDT or the appropriate child care team before invoking Police Powers of Protection.

#### **5. Review and Monitoring**

There will be quarterly meetings where data will be presented and any issues will be raised. This Agreement will be subject to an Annual Review from the date below.

**6. Signatories**

**Head of Children's Social Care: Julie Jenkins**

A handwritten signature in purple ink, appearing to read 'Julie Jenkins', with a large circular flourish at the start.

**Head of Adult Health and Care Services:**

A handwritten signature in black ink, appearing to read 'I Baing', with a large 'I' and a long, flowing 'Baing'.

**West Yorkshire Police (Calderdale District): Gareth Crossley**

**Date: 11<sup>th</sup> November 2017**

**Review Date: November 2017**