

## Legal Advice

**Even if the person refuses legal advice you have the right to request that a solicitor be called if you believe it is in their best interest.**

If you do, the Custody Officer must call the solicitor and tell the person when they arrive. However, the person cannot be forced to see them when they arrive.

Solicitors are covered by 'legal privilege'. This means that anything the person says to them is private and they cannot be questioned as a witness by the police, or in court, about what was discussed.

Appropriate adults are not covered by legal privilege. This means that, if you are present during a private legal consultation, you could be questioned as a witness in exceptional circumstances.

Although you do not have specific right to be present during private legal consultations between the person and their legal representative, you may be present if they request your support to assist communication. This can be very helpful for a detained person who might find it difficult to understand what the solicitor is saying.

However, before you agree to be present, you and the solicitor will need to make sure the person understands that you are not covered by legal privilege.

Legal advice for certain (usually minor) offences is normally only provided over the telephone. However, if the detainee is eligible for assistance from an appropriate adult, the legal advisor should attend the police station in person.

## Further Information

This leaflet was produced by the charity NAAN (National Appropriate Adult Network).

It is designed for parents, carers, relatives or friends who might be called to act as an appropriate adult for someone they know. It aims to give you a quick overview of your role and responsibilities.

For more information, ask the police for the *Home Office Guidance for Appropriate Adults*. This is publically available from [www.gov.uk](http://www.gov.uk).

It is strongly advisable that people acting as an appropriate adult in a professional capacity, whether as a volunteer or paid worker, should be trained.

You can find out more about the appropriate adult role and the work of the National Appropriate Adult Network.



## NAAN | Information

# Guide for appropriate adults

### Your Role as an Appropriate Adult

Appropriate adults are called to the police station as an important safeguard, providing independent support to detained people who:

- appear to be aged under 18, or
- may be suffering from mental ill health or other mental vulnerability (e.g. learning disability).

You are not simply an observer. Your role is to assist the person to ensure that they understand what is happening at the police station during the interview and investigative stages. In particular you should:

- support, advise and assist the person
- ensure that the person understands their rights
- ensure that the police act fairly and respect the rights of the person
- ensure effective communication between the person, the police and others.

You are not there to provide the person with legal advice and you should not attempt to do so.



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[@AA\\_NAAN](https://twitter.com/AA_NAAN)



[facebook.com/appropriateadult](https://facebook.com/appropriateadult)

*"Protecting the rights and welfare of children and vulnerable adults detained or interviewed by police"*

## What the Police Must Do

The way in which police investigate offences is governed by a law called the Police and Criminal Evidence Act 1984 (PACE).

The police must follow the **PACE Codes of Practice** which set out their powers, responsibilities and procedures in detail. Copies are available at the police station and must be made available to detained people and appropriate adults.

The **Custody Officer** is not involved in investigating crimes. They are responsible for the care and welfare of people who are detained and must ensure that the investigation is conducted quickly and fairly.

## The Detained Person's Rights

The Custody Officer must tell the person about their rights and entitlements in custody. These include:

- to have free independent legal advice
- to have someone informed of their arrest
- to read the PACE Codes of Practice
- to free medical help
- to remain silent
- to be told what they are suspected of and to see any records about why they have been arrested
- to free translation or interpretation
- to be told how long they might be held
- to contact their consulate or embassy

The person can use these rights at any time while they are in custody. In exceptional circumstances some or all of these rights may be delayed.

The custody officer must give the person a written notice of their rights and entitlements, explaining how the police should treat them.

Any detained person who is under 18 or mentally vulnerable must be advised of the duties of the appropriate adult. They must be told that they may speak to the appropriate adult in private at any time.

## The Appropriate Adult's Rights

In your role you also have a right to:

- be told why the person is being held
- inspect the custody record (of the person's time in detention) at any time and have a copy of it
- see the Notice of Rights and Entitlements
- see a copy of the PACE Codes of Practice.

You must be present when:

- the custody officer informs the person of their rights and entitlements. If this is carried out before you arrive it must be repeated in your presence
- when the person is cautioned. If the caution is given before you arrive it must be repeated in your presence.

## Interviews

You must also be present when the police interview the person. During interviews, you should:

- ensure that the person understands the caution that is given by the police at the start of the interview
- intervene if you feel it is necessary to help the person communicate effectively with the police, or if you feel that the police questioning is confusing, repetitive or oppressive.
- ask for a break in the interview if you feel the person needs to rest or if you feel that they need legal advice or you want to talk to them in private
- be present when the person is asked to agree and/or sign any documentation.

If you have any queries or complaints about the conduct of an interview you should speak to the Custody Officer immediately.

## Voluntary Interviews

Sometimes the police may wish to speak to someone about a crime without needing to arrest them. This does not mean the matter is not serious or that the person will not be charged.

If a person agrees to be interviewed voluntarily, it will normally take place at a police station. The police must still apply the rules in the PACE Codes of Practice and the person still has the same rights and entitlements.

The role of the appropriate adult is the same. All references to 'detained person' in this guide, also apply to people interviewed voluntarily.

## Other Procedures

You are also required to be present:

- during any search of the person involving the removal of more than outer clothing or intimate searches (subject to strictly limited exceptions)
- during any form of identification procedure, involving the participation of the person including; the taking of DNA samples, fingerprinting, photographing of the person or when a sample or footwear impression is taken from them.
- During testing for class A drugs, X-rays and ultrasound scans

The police should also give you reasonable notice so that you can be available when:

- the police review whether there is a need to keep a person in detention
- a decision to authorise extended detention to 36 hours is made by a senior police officer
- the person is formally charged