



# **POLICE SCOTLAND**

Keeping people safe

**POILEAS ALBA**

## **Appropriate Adults**

### **Standard Operating Procedure**

#### **Notice:**

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**This SOP provides clear direction and procedural instruction to provide a consistency of response in accordance with force policy, however it is recognised that policing is a dynamic profession and the standard response may not be appropriate in every circumstance. In every situation, your decisions and actions should be supported by the National Decision Model and based on the values and ethics of Police Scotland. You may be expected to provide a clear and reasonable rationale for any decision or action which you take.**

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1.01	Change of contact details in Appendix 'F'	25/04/2013
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## **1. Purpose**

- 1.1 The purpose of this Standard Operating Procedure (SOP) is to ensure that whenever an adult, aged 16 years of age or over, with a mental disorder is involved with any police processes whether as a victim, witness, suspect or accused.

## **2. Background**

- 2.1 In 1990, a Scottish Home and Health Department Circular was published which gave guidance to legacy Force Chief Constables regarding the procedures to be adopted to ensure that, whenever someone with a mental disorder was interviewed by the police, there was a person present who could aid the interview. Such persons were to be known as Appropriate Adults and the purpose of their involvement was to facilitate communication and ensure the process was fair.
- 2.2 In 1998 Guidance on Appropriate Adult Services was issued jointly by Health, Police and Social Work Divisions in the then Scottish Office and the establishment of Appropriate Adult Services across Scotland was encouraged.
- 2.3 In 2004 an evaluation led to the reintroduction of Scottish Appropriate Adult Network (SAAN) to review the structure and guidance in relation to services. SAAN continues to operate and is a collective governing network with oversight of Appropriate Adult activity in Scotland.
- 2.4 SAAN membership includes representatives from:
- Appropriate Adult Coordinators;
  - NHS Scotland
  - COPFS
  - Mental Welfare Commission
  - Police Scotland;
  - Social Work Scotland;
  - Judicial Institute for Scotland;
- 2.5 Appropriate Adult Schemes have no legal standing, but by following the guidance, police officers and police staff ensure the Police Service of Scotland, hereinafter "Police Scotland", is complying with its duties under the Equality Act 2010.

- 2.6 The Equality Act 2010 makes it an offence for service providers to discriminate on the grounds of disability and ensures that people with a disability have access to services.
- 2.7 Appropriate Adult Services are expected to follow the Scottish Appropriate Adult Network (SAAN) National Guidance and Standards which covers all aspects of the Appropriate Adult Service and is considered best practice regarding the management, organisation and service delivery of Appropriate Adults.
- 2.8 There are now 21 Appropriate Adult Services across Scotland who offer provision to all Police Scotland Divisions.

### **3. Legislation**

- 3.1 The Mental Health (Care and Treatment) (Scotland) Act 2003 defines a mental disorder as 'any mental illness, personality disorder, learning disability however caused or manifested'.
- 3.2 This includes those with acquired brain injury, Autistic Spectrum Disorder, which includes Asperger Syndrome and people of all ages affected by dementia.
- 3.3 Although the Mental Health (Care and Treatment) (Scotland) Act 2003 does not specifically mention activity deficit hyperactivity disorder (ADHD), if the person's ADHD is such that it can be legitimately argued that it may impact upon their ability to cope with, or to communicate during the police process, the services of an Appropriate Adult must be considered.
- 3.4 A person is not mentally disordered by reason only of any of the following: sexual orientation, sexual deviancy, transsexualism, transvestism, dependence on, or use of alcohol or drugs, or acting as no prudent person would act.
- 3.5 The following legislation also underpins the delivery of the Appropriate Adult Service across Scotland:
  - Adult Support and Protection (Scotland) Act 2007;
  - Adults with Incapacity (Scotland) Act 2000;
  - Criminal Justice (Scotland) Act 2016;
  - Human Rights Act 1998;
  - Victims and Witnesses (Scotland) Act 2014; and
  - Vulnerable Witnesses (Scotland) Act 2004.
  - Equality Act 2010

- Victims(Rights) (Scotland) Regulations 2015

#### **4. Role of Appropriate Adult**

- 4.1 An Appropriate Adult is a person with prior experience (either in a professional or voluntary capacity) of working with adults who have a mental health issue, learning disability, autistic spectrum disorder, dementia and/or acquired brain injury in relation to overcoming communication issues.
- 4.2 The Appropriate Adult will have been specifically recruited for their experience in the field of mental health and their communication skills.
- 4.3 The role of the Appropriate Adult is to facilitate communication between an individual with a mental disorder and the police. This involves, but is not limited to:
- Ensuring where possible that the person understand their rights and all aspects of the caution as explained by the police. This also includes the person's rights to solicitor access.
  - Helping the person understand why they are being interviewed, the questions put to them and that the answers they give are fully understood by the police;
  - Ensuring where possible that they understand the explanation for any examination or other police procedure;
  - Reassuring and putting the person at ease; and
  - Advising the Police if the adult subject to interview or other police procedure does not appear to understand the process.
- 4.4 Appropriate Adults should not:
- Provide legal advice or advise the person how, or whether to answer questions;
  - object to or intervene in any questions being asked by police except for the purposes of facilitating communication and assisting in understanding;
  - Be an employee of Police Scotland or a police officer;
  - Have a conflict of interest i.e. have a current or on going professional or personal relationship with the individual;
  - Be used to assist with a victim/witness and also the accused in the same case;
  - Be left alone with the person or their friends and family members without police being present

- Become involved in private meetings (e.g. private consultation with solicitor or fitness for interview examinations with custody nurse or FME).
  - advise the person how, or whether, to answer questions;
  - object to any questions being asked except for the purposes of facilitating communication between the Police and the person; or
  - tell the Police if they think a line of questioning is unfair.
- 4.5 Where the person is either a victim or a witness, the role of the Appropriate Adult will still be to facilitate communication and understanding when a statement is being taken or other police procedure has to be undertaken. This can enhance the quality of the statement being given and the information obtained by the police officer.
- 4.6 It is important to note that the presence of an Appropriate Adult should not be confined to interviews held in police stations e.g. when a person is interviewed in a prison establishment, or in relation to a complaints investigation. This should also include when a person is cautioned and charged without formal interview.
- 4.7 The presence of an Appropriate Adult during any police procedures with a person who has a mental disorder is necessary and it may prove detrimental to a case if an Appropriate Adult is not present.
- 4.8 Police Procedures can include:
- Obtaining a statement from a victim/witness;
  - Conducting interview with an accused;
  - Arrest procedures;
  - Solicitor Access procedures;
  - Caution and Charge;
  - Release on undertaking;
  - Fingerprinting, photographing and obtaining DNA, viper
  - Strip search
  - Medical Examination;
  - Intoximeter proceedings
  - House search or other procedures under warrant
  - Carrying out any other legislative procedures under statute, eg enforcing child protection orders, assessment orders etc.



- 4.9 The same Appropriate Adult can be used for more than one victim or witness in the same case, however that Appropriate Adult cannot be used for the suspect or accused in the same case.

## **5. Call-Out Procedure**

- 5.1 If a police officer suspects that a person has a mental disorder, or they are so advised by another person. The services of an Appropriate Adult must be considered and local arrangements must be followed. As previously described each service is currently run independently until the formation of a national funded service. Where there is uncertainty about the need for an Appropriate Adult, consideration must be given to seeking advice from a Forensic Medical Examiner.
- 5.2 Sometimes the requirement for an Appropriate Adult may only become evident when police attend at an unplanned incident or a person is taken into custody as an arrested person and asked additional questions regarding their health and wellbeing. In these unplanned circumstances, the enquiry officer will arrange for an Appropriate Adult to attend as soon as possible and local arrangements must be followed. There may be limited opportunity to plan for your engagement with the person but where possible police should make contact with health, local authority or voluntary sector involved with the person to gather as much information as possible to assist in communicating effectively with them.
- 5.3 If practical a planned approach is the desired method of dealing with a person with a mental disorder as this allows adequate research to be conducted in relation to the best way in which to communicate with the person. It also allows for arrangements to be made for the person to attend at a specified venue at a specified time and place which will reduce anxiety and aid understanding of what is expected of them.
- 5.4 If practical, consideration should be given to Appropriate Adults being present for planned statutory arrest at a place other than a police station or planned statements or procedures at a place other than a police station. The health and safety of the Appropriate Adult during such procedures is the responsibility of the Police. The Appropriate Adult must never be left alone with the person undergoing police procedures.
- 5.5 The same Appropriate Adult should be present at all stages of the police procedure where resources permit. The same appropriate adult cannot be used to assist opposite sides of an enquiry, eg to be present for a victim or witness and then be present for the accused in the same case.

- 5.6 Officers must take cognisance of section 8 of the Victims and Witnesses(Scotland) Act 2014, which states that a person who is, or appears to be, the victim of any of the following offences, must be afforded the opportunity to specify the gender of the interviewing officer (deemed to be the officer noting a full statement).
1. An offence listed in any of paragraphs 36 to 59 ZL of Schedule 3 to the Sexual Offences Act 2003;
  2. An offence under section 22 of the Criminal Justice (Scotland) Act 2003 (traffic in prostitution etc.);
  3. An offence under section 4 of the Asylum and Immigration Act (Treatment of Claimants, etc) Act 2004 (trafficking people for exploitation);
  4. An offence, the commission of which involves Domestic Abuse;
  5. Stalking;
  6. While not in the Act it is considered best practice to apply the principles when dealing with matters involving Honour Based Violence, Female Genital Mutilation and Forced Marriage.

Where resources permit consideration must be given to the gender of the appropriate adult and the person should be afforded the opportunity to specify the gender of the appropriate adult.

- 5.7 The victim's response will be recorded in the officer's police issue notebook / PDA. It will be the responsibility of supervisory officers to monitor any decisions made in relation to the use of the statutory exemptions (if complying with the request would be likely to prejudice a criminal investigation, or it would not be reasonably practicable to do so) and satisfy themselves that in all cases it was appropriate.

- 5.8 The following information should be provided to the Appropriate Adult:

- Name and date of birth of person requiring the Appropriate Adult;
- Time, date and place of interview / process;
- Person's status – victim, witness, suspect or accused;
- Type of mental disorder (where known);
- Any time deadlines which have to be met;
- Gender of Appropriate Adult required; and
- Nature of incident being investigated.
- Name and number of the officer they should ask for on arrival

- 5.9 It is a police decision as to whether or not an Appropriate Adult should be requested. If the services of an Appropriate Adult cannot be provided, this must be recorded in the police officer's PDA / Notebook. Where a decision is taken not to utilise the services of an Appropriate Adult, the decision and rationale must be recorded in the police issue notebook/PDA and should be referred to in any subsequent SPR, witness statement submission etc.
- 5.10 If the person declines the service, the police officer must still request the presence of the Appropriate Adult who should be given the opportunity to explain their role to the individual nonetheless.
- 5.11 Should the person still insist that they do not want the services of an Appropriate Adult, it is a police decision whether the police process, including interview, should continue although the Appropriate Adult should remain nearby in case the person changes their mind.
- 5.12 In general, Appropriate Adults should be able to attend within 90 minutes of receiving the call out although it is accepted that in rural areas of Scotland this may not always be achievable.
- 5.13 Failure to request assistance from an Appropriate Adult could result in misleading statements, inappropriate responses or a lack of understanding of events. This could ultimately lead to the Procurator Fiscal being unable to proceed with a case.
- 5.14 There is no formal assessment process for identifying the need for an Appropriate Adult so the decision to contact one is based largely on information available about, or behaviours displayed by a person during the time they are in the presence of police.
- 5.15 Anyone can be apprehensive when being dealt with by the Police, but for someone with a mental disorder this can be excessive and may be accompanied by other indicators such as:
- unusual mood levels - tearfulness or euphoria;
  - incoherence (not drug or alcohol induced);
  - an inability to understand or answer questions;
  - not responding to questions or instructions;
  - unusual behaviour traits; or
  - agitation leading to physical activity not relevant to the situation.
- 5.16 There may be other information available that could suggest an Appropriate Adult is needed. This could be:
- a medical alert, advocacy or carer's card;
  - the school they attend;

- any benefits they receive;
- supported accommodation;
- what their daily activities are; or
- any support they receive from the Local Authority, NHS, charitable or third sector organisation. eg mental health officer, psychiatrist, psychologist, speech and language therapist, support worker

5.17 Family, friends, carers and medical professionals under whose care the person may be, will be able to offer guidance.

5.18 As some mental health conditions can be fluctuating, there may be occasions when a person does not need the services of an Appropriate Adult even if they have had one previously or likewise may require one even if they have not had the services of one before. Therefore, the decision to request an Appropriate Adult must be taken on the circumstances presented at the time but continuously reviewed during their engagement with the investigating officer. Should the person's condition/engagement/presentation appear to deteriorate at any time, the need for an appropriate adult should be re-considered.

## **6. Pre-Interview**

6.1 The pre-interview/pre statement/pre procedure stage is important as a means of preparation and information gathering. It also offers the opportunity to consider possible differences in approach to the engagement with the person.

6.2 When the Appropriate Adult arrives, the enquiry police officer must explain the circumstances and why the person is being interviewed prior to commencing.

6.3 The Appropriate Adult must be given the opportunity to converse with the person prior to the interview so they can explain their role. This also provides the Appropriate Adult with the opportunity to briefly assess the communication capabilities of the interviewee.

6.4 For safety reasons, the Appropriate Adult must not be left alone with the person or any other person subject to a police procedure, or their family / friends. The health and safety of the Appropriate Adult is the responsibility of the enquiry police officer.

6.5 The Appropriate Adult is not entitled to withhold any information divulged by the person from the police and this should be made quite clear to the person. As such, Appropriate Adults should not be present during the private consultation between the suspect/accused and the solicitor due to client confidentiality.

- 6.6 **Only in exceptional circumstances**, where a delay in obtaining the services of an Appropriate Adult may lead to the interests of justice being defeated police may commence before the Appropriate Adult arrives. On arrival, the process / interview must be suspended until the Appropriate Adult can be informed of the circumstances and given the opportunity to speak to the person prior to recommencement of the interview / process. In these circumstances, it should be clearly recorded in the officer's police issue notebook / PDA.
- 6.7 Any information about rights or entitlements must be repeated to the individual in the presence of an Appropriate Adult if, for any reason, it has been given before the Appropriate Adult arrived.
- 6.8 Following the Lord Advocate's instruction in October 2012, suspects of any age who require the support of an Appropriate Adult must be provided with access to a solicitor prior to interview and should not be allowed to waive this right. While this instruction from the Lord Advocate is clear that such a suspect must be provided with access to a solicitor prior to interview, it does not state that they must engage the services of a solicitor or have regard to any advice that is given. This access may be in person or on the telephone. If a suspect refuses to engage the services of the solicitor, then it is a matter for the police officers to give consideration as to whether it is appropriate to proceed to interview that suspect. When interviewing a suspect who is under the age of 16, refer to Section 9. Further information can be found in the Solicitor Access Guidance document.
- 6.9 A relevant factor in making such a decision will be whether the interviewing officer believes that the suspect is able to understand the caution and the consequences of not taking legal advice. If the decision is made to proceed to interview the suspect, then the reasoning for this must be clearly set out in the Standard Prosecution Report (SPR).
- 6.10 There will be instances where, in addition to the presence of an Appropriate Adult, it may be necessary for another person to be present to further aid communication, e.g. sign language interpreter / ordinary interpreter. A relative, friend or carer may in exceptional circumstances be present to provide reassurance and support at the discretion of the custody supervisor; however, consideration must be given to the number of people present at the interview and the influence and intimidation that their presence may cause.
- 6.11 The conduct of the interview is solely the responsibility of the interviewing officer(s) and an Appropriate Adult can only make suggestions or offer advice to the interviewing officer(s) on clarification of communication.
- 6.12 Consideration must be given to the adult being examined by a Forensic Medical Examiner prior to interview. The fact that a person has been declared 'fit for interview' by a Forensic Medical Examiner does not negate the need for an Appropriate Adult to be present.
- 6.13 Appropriate Adults are under no obligation to speak to the Scottish Legal Aid Board (SLAB) or an interviewee's solicitor, either on the phone or in person.

For further guidance, please refer to the SAAN National Guidance and Standards.

- 6.14 The Appropriate Adult and the interviewing officer should agree a method of identifying when the Appropriate Adult has an issue of concern regarding the interviewee once the interview commences. Please refer to Appendix 'M' for good practice.
- 6.15 As a matter of course, just because an Appropriate Adult has been utilised, a Concern Report does not need to be submitted on iVPD outlining the circumstances. However, if an officer feels the person requiring an Appropriate Adult fits the criteria for a Concern Report, they must submit it. Officers must record the full details of any Appropriate Adult used during any Police procedure and add them to the Concern Report that is raised, where relevant, but no Police systems checks are required.

## **7. Interview**

- 7.1 At the beginning of the interview the Appropriate Adult should help the police to explain the purpose of the interview to the person to ensure they understand their rights.
- 7.2 The Appropriate Adult should attempt to ensure that the answers given by the person are fully understood by the police.
- 7.3 The Appropriate Adult must not advise the person whether or how to answer any questions, or object to any questions being asked except where this will facilitate communication. The appropriate adult should prepare for repeat questioning if subtly reframed
- 7.4 The appropriate adult should not answer on behalf of the person but can intervene to clarify or interpret what the person is saying
- 7.5 The interview should only be interrupted to indicate concerns regarding comprehension or the physical or mental health of the person.
- 7.6 If a solicitor is present in a police interview they cannot ask for the removal of the appropriate adult.
- 7.7 The Appropriate Adult must read any document signed, or statement noted from the person, in their presence, sign it or indicate why it may be inaccurate. The Appropriate Adult must countersign any documents signed by the interviewee. Where relevant, the police officer can invite the Appropriate Adult to sign a label attached to the DVD of the interview.

## 8. Post-Interview

- 8.1 Following any police procedures interview the enquiry officer must note a statement from the Appropriate Adult. Such a statement should be concise and focused, including relevant information about the date and time of the interview and conduct of such interview. A sample statement can be found in Appendix 'M'.
- 8.2 There is nothing to prevent an Appropriate Adult taking notes during the interview, however if they do so, the notes must be seized by the interviewing officer as a production and reviewed for relevancy for disclosure purposes.
- 8.3 Some services have forms which the appropriate adults complete following each deployment which give the time and date of call out, location, nature of mental disorder, nature of procedures, nature of crime, details of the person requiring the service, police officers details and any relevant reference numbers and a note of any relevant observations from their deployment however local arrangements are in place in this respect and officers should be guided by their service coordinator in this respect.

## 9 Children and Young People

- 9.1 When a police officer wishes to interview a person with a mental disorder who is under the age of 16, careful consideration should be given to having a **Responsible Adult** present at that time. This includes young people who are under Supervision Orders. Officers must be aware of guidance around Joint Investigative Interviews contained within the Child Protection SOP.
- 9.2 A Responsible Adult, in the first instance, should be a responsible parent or family member of the person being interviewed, **who is not connected to the enquiry**. If after making all reasonable attempts, no parent or family member can be found, contact should be made with the local Social Work Department in the relevant local authority.
- 9.3 **The Appropriate Adult role is entirely different to the role of a Responsible Adult**, who is any adult who has legal responsibility for a child. This person can be a parent, carer or officer of the local authority. The point of greatest importance is that Responsible Adults support children and young people who are involved in police proceedings and Appropriate Adults support adults (persons aged 16 years and over).
- 9.4 The point of greatest importance is that Responsible Adults support children and young people under the age of 16, 16 and 17 year olds under supervision or 16 and 17 year olds who by virtue of certain legislation (i.e. CSE and Human Trafficking) are deemed to be children while under the age of 18.
- 9.5 Appropriate Adults support persons aged 16 and over with a mental disorder.

## **10. Submission of Concern Forms**

- 10.1 The fact that an appropriate adult was required to assist in the interview of an individual does not automatically require an adult concern form to be submitted in respect to them. If however the adult is deemed to be a vulnerable adult, an adult at risk or being dealt with in circumstances whereby the officer believes they may require additional support and protection and the intervention of other agencies then the submission of a form should be considered.

## **11. Submission of Standard Police Reports**

- 11.1 When a Standard Prosecution Report (SPR) has to be submitted to the Procurator Fiscal / Reporter to the Children's Panel, the Remarks section of the SPR **must** be marked as follows:

**'THIS REPORT INVOLVES A PERSON WHO HAS A MENTAL DISORDER – AND REQUIRED THE SERVICES OF AN APPROPRIATE ADULT'**

- 11.2 This applies whether the person is a victim, witness or accused.

## **12. Confidentiality – Information Sharing**

- 12.1 Where services use social work staff as Appropriate Adults, they are permitted to access social work systems to gain any information that may assist them in understanding the communication needs of the individual. The Appropriate Adult is not permitted to share information with the police regarding the person other than that which will assist with facilitating communication between that individual and the police.



### 'A' Division

#### **Call out procedures:**

"When calling out an Appropriate Adult, the Local Authority relative to where the witness/victim/suspect/accused resides is to be contacted to provide the Appropriate Adult, regardless of where the interview or Police procedure is taking place. The enquiry officer will make contact with the relevant local authority department to make arrangements.

Only the following numbers are to be used when an Appropriate Adult is required:

**Information has been removed due to its content being exempt in terms of the Freedom of Information (Scotland) Act 2002, Section 30, Prejudice to effective conduct of public affairs.**

## C Division

### Call-Out Procedures:

If you require an Appropriate Adult, you should:

1. **Complete the Appropriate Adult Call Out Form** with the information required to be passed onto the Appropriate Adult.
2. Check the Appropriate Adult Monthly Call Out Rota and phone the Appropriate Adult on duty.
3. Email the completed **Appropriate Adult Call Out Form** to the Coordinator **Information has been removed due to its content being exempt in terms of the Freedom of Information (Scotland) Act 2002, Section 30, Prejudice to effective conduct of public affairs.**

Please submit the **Appropriate Adult Call Out Form** regardless whether the call out was successful or unsuccessful:

Appropriate Adult Call Out Form C Division – Form No 6-70

Once form is completed click file, share, email and send as an attachment to **Information has been removed due to its content being exempt in terms of the Freedom of Information (Scotland) Act 2002, Section 30, Prejudice to effective conduct of public affairs.**

### Appropriate Adult Monthly Call Out Rota

The monthly rota can change regularly and is updated by the Appropriate Adult Service Coordinator therefore it is recommended that you access this document via the newsgroup to ensure the most up-to-date information is available.

### Recording of Information

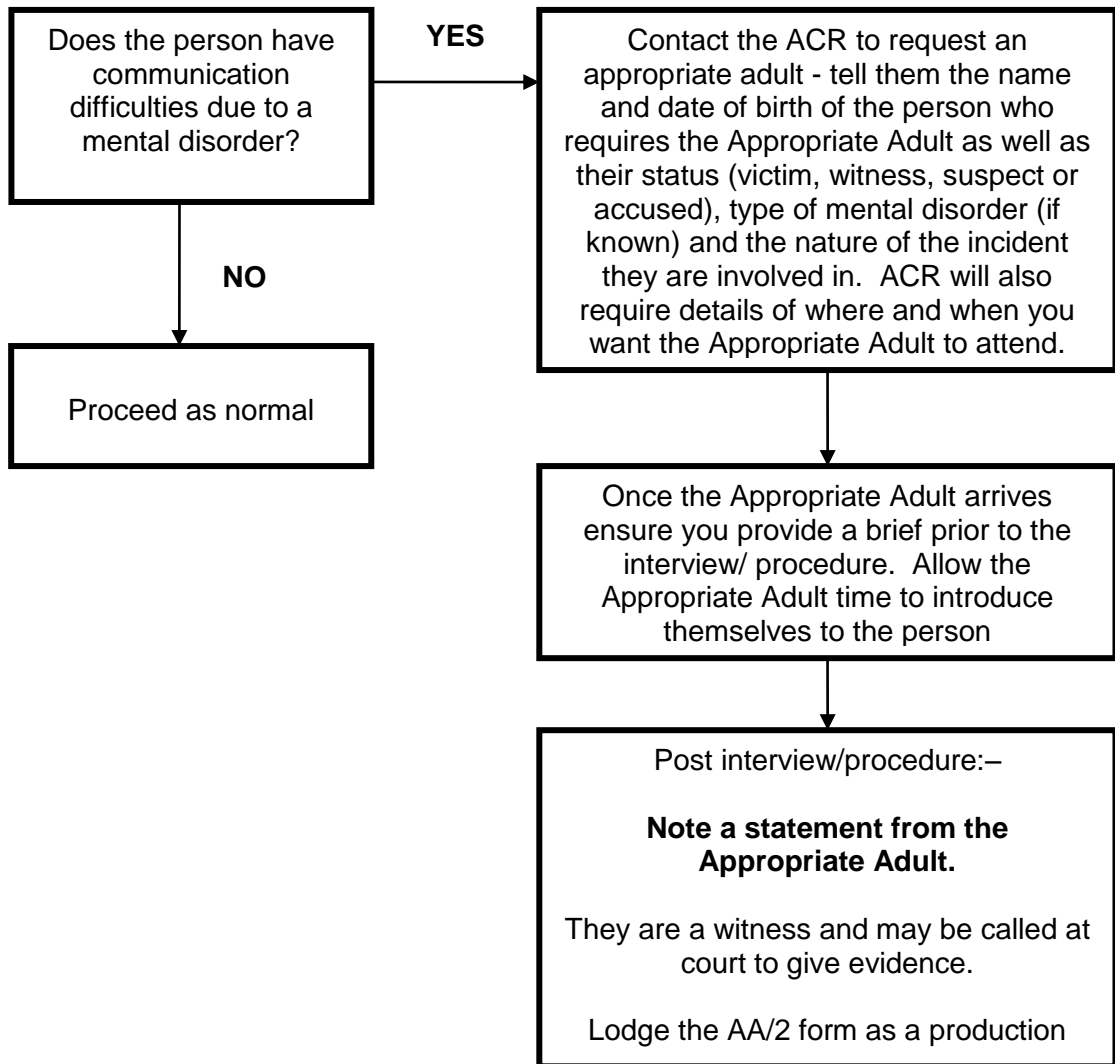
Forth Valley Appropriate Adults are required to record their input to, and the conduct of, an interview on an Appropriate Adult form. This form is contained within a Notebook that each Appropriate Adult is issued with. At the end of the interview the Appropriate Adult will provide the interviewing officer with a copy of the relevant AA/2 Appropriate Adult form, which should be treated as a case related document and lodged as a production.

The second carbon copy is removed from the carbonated A4 notepad, placed within the pre-addressed envelopes provided and sent to the Appropriate Adult Service Coordinator via the internal mail system.

The carbonated A4 notepad allows the Appropriate Adult to record any thoughts that they have regarding the understanding of the person being interviewed and their involvement in the interview; it is not a record of the interview itself.

D Division

Call out procedures:



**'E' and 'J' Divisions**

**Call-Out Procedures:**

E and J Division are serviced by 5 Appropriate Adult Services.

Calls for the services of an Appropriate Adult should be made by the enquiry officer to the dedicated Local Authority telephone number as outlined below:

**Information has been removed due to its content being exempt in terms of the Freedom of Information (Scotland) Act 2002, Section 30, Prejudice to effective conduct of public affairs.**

Each Local Authority has a dedicated Appropriate Adult Coordinator.

Each Local Authority operates their own arrangements working to agreed rotas in normal working hours. Out of hours requests for East and Mid Lothian are covered by City of Edinburgh. Out of hours requests for West Lothian and Scottish Borders are dealt with via the respective out of hours team.

## G, K and L (West Dunbartonshire) Divisions

Call out procedures:

When it is identified that an Appropriate Adult is required, the enquiry officer should make contact with the dedicated Glasgow and Partners number.

The dedicated number is **Information has been removed due to its content being exempt in terms of the Freedom of Information (Scotland) Act 2002, Section 30, Prejudice to effective conduct of public affairs.**

The Glasgow and Partners out of hours social work standby is the main service provider for the former area of Strathclyde Police with the exception of the Lanarkshire (Q), Ayrshire (U) and Argyll and Bute areas (L). These areas have their own arrangements in place.

## L Division

### Call out procedures:

#### West Dunbartonshire

The enquiry officer requiring the services of an appropriate adult will use the dedicated contact number for the Glasgow and Partners out of hours service and call them directly. The number is **Information has been removed due to its content being exempt in terms of the Freedom of Information (Scotland) Act 2002, Section 30, Prejudice to effective conduct of public affairs.**

#### Argyll and Bute

The enquiry officer requiring the services of an appropriate adult will use the number for the service provider, Carrgomm and call them directly. The number is

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## N Division

### Highland – Call Out Procedures:

Calls for the services of a trained Appropriate Adult should be made to NHS Highland. This service can be accessed as follows:

**Information has been removed due to its content being exempt in terms of the Freedom of Information (Scotland) Act 2002, Section 30, Prejudice to effective conduct of public affairs.**

Out with the above days and hours contact Social Work Out of Hours Team on **Information has been removed due to its content being exempt in terms of the Freedom of Information (Scotland) Act 2002, Section 30, Prejudice to effective conduct of public affairs.**

### Western Isles – Call Out Procedures:

Calls for the services of a trained Appropriate Adult should be made to Lead Officer Mental Health and Adult Protection, Western Isles as follows:

**Information has been removed due to its content being exempt in terms of the Freedom of Information (Scotland) Act 2002, Section 30, Prejudice to effective conduct of public affairs.**

Out with the above hours and days contact the senior out of hours officer for this service on **Information has been removed due to its content being exempt in terms of the Freedom of Information (Scotland) Act 2002, Section 30, Prejudice to effective conduct of public affairs**, where a decision will be made as to whether an Appropriate Adult is required out of hours or deferred to the following day.

### Orkney – Call Out Procedures:

To arrange for the trained Appropriate Adult contact **Duty Sergeant Kirkwall Police Station** who will access to the Appropriate Adult rota with contact details for all trained Appropriate Adults within the scheme. Tel: **Information has been removed due to its content being exempt in terms of the Freedom of Information (Scotland) Act 2002, Section 30, Prejudice to effective conduct of public affairs.**

### Shetland – Call Out Procedures:

Calls for the services of a trained Appropriate Adult should be made to Shetland Social Work Department during office hours on **Information has been removed due to its content being exempt in terms of the Freedom of Information (Scotland) Act 2002, Section 30, Prejudice to effective conduct of public affairs** who hold a list of trained Appropriate Adults.

Out with office hours, contact should be made with the on call Duty Social Worker via the Gilbert Bain Hospital switchboard on **Tel: 01595 695611**. The Duty Social

Worker will then call Lerwick Police Station and make the necessary arrangements for an approved Appropriate Adult to be called out.

**If you experience any issues with these service please email Information has been removed due to its content being exempt in terms of the Freedom of Information (Scotland) Act 2002, Section 30, Prejudice to effective conduct of public affairs.**



### 'P' Division

#### Call-Out Procedures:

Once it has been confirmed that an Appropriate Adult is required, the enquiry officer should contact Fife Council Service Centre **Information has been removed due to its content being exempt in terms of the Freedom of Information (Scotland) Act 2002, Section 30, Prejudice to effective conduct of public affairs.** The centre holds the names and contact numbers for all Appropriate Adults. The officer should then make contact with the Appropriate Adult via the number provided to them by the service centre.

Under no circumstances should an Appropriate Adult be contacted directly without having first gone through the above sequence. The cadre of Appropriate Adults work on a rota basis. There will always be prompt response to requests made with up to 4 Appropriate Adults on immediate standby between the hours of 8am and 8pm, 7 days a week.

Requests for attendance must be made on the day in question.

At the termination of an interview the interviewing officer should sign the Appropriate Adult referral form provided. This forms part of an audit trail and is retained by the Appropriate Adult.

## 'Q' Division

Call out procedures:

Once it is established that the services of an appropriate adult are required the enquiry officer will phone the dedicated local authority number for the area the person requiring the service resides in;

The numbers are as follows:

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The local authority will contact the appropriate adult on duty and they in turn will contact the enquiry officer to make arrangements.

## U Division

Call out procedures:

Once it has been established an appropriate adult is required it is the responsibility of the enquiry officer to contact the service provider, Clarity in Communication via a dedicated number which is available 24 hours a day 365 days a year.

The contact number is **Information has been removed due to its content being exempt in terms of the Freedom of Information (Scotland) Act 2002, Section 30, Prejudice to effective conduct of public affairs.**

The coordinator will contact the appropriate adult on duty and they will make the necessary arrangements for their attendance

## 'V' Division

### **Call-Out Procedures:**

Once it has been confirmed that an Appropriate Adult is required, the enquiry officer should make contact with the Appropriate Adult Coordinator at Stranraer Social Work Department. The direct number is **Information has been removed due to its content being exempt in terms of the Freedom of Information (Scotland) Act 2002, Section 30, Prejudice to effective conduct of public affairs.** This office holds the names of all trained Appropriate Adults in Dumfries and Galloway. They will then dispatch a named person from that list dependant on the area in which the person requiring the appropriated adult is located.

Glasgow and Partners Out of Hours will be contacted on all other occasions.

The Appropriate Adult attending will carry their own paperwork for completion at the conclusion of the interview.

### Good Practice Guide for Interviews

The following information gives supplementary guidance on good practice during the pre-interview, interview and post-interview stages.

#### Pre - Interview Stage

Regardless of whether or not an enquiry officer has already discussed a case with an Appropriate Adult, the pre-interview process should still be undertaken as a means of preparing and providing information to an Appropriate Adult. It also gives an enquiry officer an opportunity to consider and explain the approach or interview strategy they will use and is particularly helpful in allowing an Appropriate Adult to understand lines of questioning which may otherwise appear irrelevant or confusing.

At the pre-interview stage, the Appropriate Adult should:

- be informed of the reason for their attendance;
- be advised of the type of mental disorder or learning disability the person is believed to have;
- the emotional and physical state of the person;
- clarify if there are any other sensory impairments which would hinder communication;
- note the role the person is alleged to have played in the events leading up to the interview;
- discuss how the Appropriate Adult will indicate that they consider the interview should be suspended if they have particular concerns regarding the wellbeing of the person;
- be introduced to the person and their role explained before the interview takes place;
- where possible, time should be allowed to build up a rapport with the person, however, on no account should an Appropriate Adult be left alone with them. The Appropriate Adult should be clear, however, that anything said at this time is not privileged and may be used in evidence; and
- inform the person that what they say to the Appropriate Adult is not privileged and explain what that means.

## **Interview Stage**

An Appropriate Adult must not lead the person in any way. Their presence is purely one of facilitating understanding and communication. At the beginning of an interview the Appropriate Adult should:

- assist the Police explain what the interview relates to, and ensure as far as possible the person is fully aware of their rights;
- assist with communication to ensure the questions put to the person and the answers given by the person are understood correctly; and
- ensure, as far as possible, the person understands who is present and what their respective roles are.

During the interview the Appropriate Adult:

- must not advise the person whether or how to answer any questions or object to any questions being asked except where this will facilitate communication within the interview;
- should assess the level of stress the person may be experiencing and seek to pause an interview if they feel the level of stress is high; and is having an effect on the individuals capability in relation to understanding and communication;
- should read any document signed by, or statement noted from the person. They should also sign any statement made by the person if they were present when it was made. They should also indicate any aspects of the statement they feel are inaccurate.

All aspects of an interview are confidential and must not be discussed with anyone once the interview has taken place. Any request for information received by an Appropriate Adult and pertaining to an interview should be referred to the enquiry officer. Exceptions to this are where an Appropriate Adult receives a precognition request or the request is connected to the local Appropriate Adult Service administrative feedback process.

If the interview or police procedure is taking place out with the Police Station, the Appropriate Adult should meet the police officers at the Police Station and thereafter be conveyed by the police officers to where the interview or procedure will take place.

## **Post Interview**

Once all Police procedures have been completed, the Appropriate Adult:

- will assist in explaining to the person what the next stages will be, e.g. release from custody, kept in custody, released on undertaking, precognition etc;
- must give a statement to the enquiry officer. The statement should be concise and focused, include relevant information about the date and time of

attendance, and what the Appropriate Adult's activities were during that time. Any concerns regarding any aspect of the Police procedures should be noted along with details of how they were resolved. Where a Crime Report / Crime File is to be raised, the Appropriate Adult must be included as a witness;

- may wish to make their own confidential and retracted notes about what has taken place, for future reference should they be precognosed, or some other issue arises out of their involvement in a case. These notes must be passed to their Service Coordinator and stored securely, not retained by the Appropriate Adult;
- may be requested to be available for further interviews and procedures with the same person; and
- at no point should the Appropriate Adult be left alone with the person.

Once a person has been dealt with by the Police, they may be referred on to support services offered by other agencies and organisations. The Appropriate Adult can assist in this by ensuring the person fully understands the advice given and any referrals suggested or made by the Police.

It is not the role of the Appropriate Adult to convey information about the person's situation or status to relatives, carers or guardians.

Appropriate Adults should not continue to be directly involved with a person beyond fulfilling their role as an Appropriate Adult. Exceptions to this would be where they are required at precognition or in Court in a continuing capacity as an Appropriate Adult for that person.

Where a person is to be the subject of more than one interview, where possible, Police should request the services of the same Appropriate Adult each time.

### Sample Statement Wording

I have ..... years experience as a *(self-employed) (volunteer)* Appropriate Adult contracted to provide a service with *(name of Service)*

About *(time) (date)* I received a call to attend at *(place)* where the services of an Appropriate Adult were required.

About *(time) (date)* I attended there and was briefed by *(officer's details)* as to the nature of the enquiry. I was informed that the victim/witness/accused *(name and date of birth)* required an Appropriate Adult due to mental illness/dementia/acquired brain injury/learning difficulty *(add specific information as to condition)*.

I was introduced to *(detail)* and informed him/her of the role of the Appropriate Adult.

Insert any details of interventions as an Appropriate Adult.

Insert full details of all procedures the Appropriate Adult was present during.

Insert whether a solicitor was present and full details of solicitor if present and any interaction between solicitor and Appropriate Adult.

\*He/she declined the services of an Appropriate Adult but I remained on call in the event that I was required at a later stage.

\*I was not required to act as an Appropriate Adult.

I can confirm this is a true and accurate statement and I can identify *(victim/witness/accused)*



## **Appendix 'N'**

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**List of Associated Legislation**

- Adults with Incapacity (Scotland) Act 2000;
- Adult Support and Protection (Scotland) Act 2007 – Code of Practice;
- Asylum and Immigration Act (Treatment of Claimants, etc) Act 2004;
- Criminal Justice (Scotland) Act 2003;
- Criminal Procedure (Scotland) Act 1995;
- Equality Act 2010;
- Human Rights Act 1998;
- Mental Health (Care and Treatment) (Scotland) Act 2003;
- Sexual Offences Act 2003;
- Victim and Witnesses (Scotland) Act 2014; and
- Vulnerable Witnesses (Scotland) Act 2004