



## Solihull LSCB Factsheet

### “Who’s looking out for the children? A joint inspection of Appropriate Adult provision and children in detention after charge” (IoYO & CJJI: December 2011)

#### **Introduction**

The report identifies that in 2009/10 17% of the nearly 1.4 million people arrested for notifiable offences were aged between 10 and 17 years (*Police Powers & Procedures 2009/10*). Since PACE 1984, Young people (known as Juveniles) between 10 and 16 yrs are required to have an Appropriate Adult present. The Appropriate Adult would normally be the parent or guardian, but if this is not possible the Local Authority is expected to provide an Appropriate Adult. In 1998 the YOT’s were made responsible for arranging appropriate adults and this inspection looked at these arrangements, not situations when parents and guardians have been the Appropriate Adult. The Appropriate Adult is required under PACE to be present at a number of points including, when a child or young person is told their rights and entitlements, when they are interviewed, and when they are charged. The report does point out that overall when parents have acted as Appropriate Adult that they have been more focused on supporting the best interests of the child or young person than service provided Appropriate Adults

Whilst the Children Act 2004 states that the Police, Local Authorities, YOS and Appropriate Adults should all have a duty to safeguard and promote the welfare of children and young people, this should also apply when young people are in Police detention.

Children and young people may be denied bail if they commit further offences, it is necessary for his/her own protection, or is his/her best interests. The young person should be placed in the care of the LA, but can remain in Police custody if this is “impracticable” or presents a risk to the public of serious harm. However it is not clear what is meant by serious harm to the public and impracticable.

The current PACE arrangements for an Appropriate Adult is up to 16 years, this is not in line with Children Act 2004, which advises a child is up to 18 years. Therefore 17 year olds are an anomaly where they are considered as children, except when in police custody.

#### **Key Findings from the research**

- Appropriate Adult arrangements appear to have evolved into being another part of the custody process, with the emphasis on compliance with PACE 1984, rather than safeguarding and promoting the welfare of children and young people
- Recruiting procedures and training programmes for Appropriate Adults were found to be “sound” across the areas. However there were concerns that policies, procedures and call out arrangements did not properly consider the needs of the child or young person. As a result children and young people were detained in police custody longer than necessary
- Information flow between Appropriate Adults and YOT’s were found to be ineffective. Appropriate adults were often ill-prepared and did not take a pro-active role in promoting

the needs of the child or young person, and reported more to YOT's on the process not the best interests of the child or young person.

- Police custody records which are an important source of information for Appropriate Adults were often found to be inadequate, they lacked detail and were often incorrect.
- The physical environment of the custody areas (ie lack of privacy, noise, and physical barriers) did not encourage children and young people to disclose vulnerabilities or special needs. There was also limited assessment of these needs while in police detention by healthcare professionals with a knowledge of safeguarding issues.
- Investigating police officers made little adjustment in interviews for difficulties in communication, and when vulnerabilities were raised, and these were not relayed to custody staff.
- There was a lack of credible assessment of the quality of service provided by Appropriate Adults, who were found to be
  - a) passive in interviews, and
  - b) unlikely to challenge the police.There was limited review of the quality of the service and providers generally assessed the quality of the service through lack of complaint from the Police. Apart from 1 area in the study, there appeared no effort to obtain feedback from children and young people who had used the Appropriate Adult service.
- There seemed in most authorities looked at a lack of awareness as to how many children and young people continued to be detained in police cells after charge, and for how long.
- There was a lack of understanding amongst police custody staff about the meaning of "risk to the public, of significant harm, as well as lack of understanding of the distinctions between secure and non-secure LA accommodation, and often requested secure accommodation without evidencing "serious harm". So many young people remained in police custody rather than being transferred to suitable accommodation. The research team assessed that 67% of the young people who remained in police custody were suitable to be transferred to non-secure LA accommodation.
- The reciprocal duty of the police "to transfer" and on the LA to "receive" has been reduced to a short telephone call to LA staff requesting secure accommodation, followed by a response that "none is available". Under these circumstances the Appropriate Adult is precluded from making any representations about this.

## **Conclusions and Recommendations**

The Appropriate Adult plays an important role in providing continuity of support to a child or young person in police detention, and contributes to the safe and humane administration of justice. The recommendations that ensued from the report were with regard to established partnerships between police, YOT's, Local authority, health services and LSCB, to provide the leadership, direction and supervision to enable staff to understand and administer their duty to safeguard children and young people, and work to improve outcomes for children and young people.

The recommendations were directed to various professional and strategic groups

## **YOT and Appropriate Adult Provider**

- Will ensure that the Appropriate Adult call-out arrangements are designed such that children and young people are detained in police cells for the minimum amount of time possible.(Recommendation 1)
- Will ensure information flows, in both directions, between the YOT and the Appropriate Adults are effective and focus on the needs of the individual child or young person. (Recommendation 2)
- Will provide a quality service to children and young people in police detention including ensuring that
  - a) Appropriate Adults have sufficient knowledge of the background of the child or young person to understand their needs and promote their interests
  - b) Appropriate Adults are able to identify safeguarding and welfare issues and effectively communicate these needs to police and relevant agencies so that appropriate action can be taken
  - c) Appropriate Adults are independent, focused on the needs of the child or young person rather than the process, and actively support the child or young person through the custody journey(Recommendation 8)

### **Police**

- Will make better use of available physical resources (for example private or separate booking in facilities) within the custody environment to encourage children and young people to disclose their individual vulnerabilities and needs (Recommendation 3)
- Will ensure that all information relating to the detention of children and young people is accurately recorded and shared with relevant partners in a timely fashion (Recommendation 5)
- Will provide age-appropriate documents, adjust interview techniques to improve gathering and giving evidence by detained children and young people, and improve communication of safeguarding issues identified in interviews, or at any other time during police detention (Recommendation 6)
- Will work with others to improve decision making in order to minimise the time children and young people are detained in police cells after charge (Recommendation 10)

### **Police and Custody Health Providers**

- Will effectively address the safeguarding needs of children and young people by
  - d) Ensuring healthcare professionals undertake a full assessment of the vulnerability of children and young people (including physical and mental health, substance misuse, and other vulnerabilities)
  - e) Ensuring the Police assess, accurately record, communicate, and take appropriate actions so these needs are addressed(Recommendation 4)

### **The LSCB**

- Will monitor the recommendations made in this report (directed to Board partners) to ensure that children and young people are treated as individuals and their needs are recognized and addressed to enable them to understand and participate in the arrest-to-charge process (Recommendation 12)

### **The Home Office**

- Will enable parents and guardians to participate fully in the police custody process of their children by providing suitable guidance (Recommendation 7)
- Will adopt within PACE 1984 the definition of a child as outlined in the Children Act 2004 (Recommendation 9)

whose looking out for the children dec 2011? – lscb factsheet March 2012

- Will clarify the section of PACE 1984 relating to secure and non-secure accommodation and include this in PACE codes of practice. Any associated guidance notes will be clarified by the relevant government agencies (Recommendation 11)

### **Local Response in Solihull**

Solihull LSCB take seriously the issues identified in this report and have requested that partner agencies that are involved in safeguarding children and young people in the arrest to charge process consider the recommendations from the report.

This has been reviewed by the YOS Management Board on 22<sup>nd</sup> March 2012 and 17<sup>th</sup> May 2012

Plans have been presented to the LSCB Chairs subgroup for consideration on 11<sup>th</sup> June 2012

The link to the full report can be found at <http://www.hmic.gov.uk/publications/whos-looking-out-for-the-children>

Paul Nash  
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