

HILLINGDON YOUTH OFFENDING SERVICE

**GUIDELINES FOR STAFF AND VOLUNTEERS ACTING AS AN
'APPROPRIATE ADULT'**

UNDER THE POLICE AND CRIMINAL EVIDENCE ACT 1984

July 2015

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1. INTRODUCTION

- 1.1 These guidelines have been prepared in keeping with the standards and principles detailed in the following documents;
- Inner London Youth Justice Services – Statements of Principle and practice Standards: ADSS ILPS ALG. Nov 1995.
 - National Protocol for Youth Justice Services: ACC, AMA, ADSS, NACRO, ACOP. 1996.
- 1.2 The arrest, interviewing, detention and charging of juveniles is a crucial stage of the justice system. The law makes it clear that a juvenile cannot go through this stage of the process without the support of an ‘appropriate adult’ acting on behalf of the young person, usually a parent or guardian. When the parent or guardian is unwilling or unable to attend the police station, the Youth Offending Service, Child Care Teams or Emergency Duty Team will be approached to provide an appropriate adult.
- 1.3 Recent guidance advises that 17 year olds should also be provided with an Appropriate Adult (AA) and the sergeant will establish whether the young person wishes this person to be a parent or carer. If not either, then an AA must be provided. Once the young person has had the chance to speak to the AA and had their rights repeated in front of them, they may decide that they do not wish to have an AA for part or all of the remainder of the process. For 17 year olds only, this wish should be respected.
- 1.4 The procedures which the Police must follow in relation to these matters are laid out in the codes of Practice published by the government which accompany the Police and Criminal Evidence Act 1984. The codes are a guide and are not compulsory. However, evidence gathered in breach of the codes can be rendered inadmissible in a court.
- 1.5 Staff and volunteers need to feel confident as to their role when acting as an appropriate adult. In general, Police Officers will respect a confident and professional approach, even in situations of potential conflict. These guidelines are intended to assist to achieve this. The Youth Offending Service is also available for advice.
- 1.6 One objective is to limit as far as possible the time a young person spends in a police station and in police custody. Therefore, a speedy response to a request for an appropriate adult is essential. The Borough must always be in a position to provide accommodation in the event that the police decide to detain a young person and release her/him to the custody of the local authority (see section 8). It is also a policy requirement of staff, to involve a parent/guardian as far as possible in the process. Even in cases where the young person is living in accommodation provided by the Borough it is generally good practice for staff to encourage the person with parental responsibility to attend a police station along with the social worker.

- 1.7 Information on any request by the Police for an appropriate adult and the outcome involving any Area Team or Social Care establishment should be forwarded to the Youth Offending Service, Tel. No.01895 558203 as possible or at latest, by 10am the following morning for monitoring purposes. Please keep the service informed at all stages of the process.
- 1.8 It is intended that these guidelines be used in conjunction with:
- (a) Police and Criminal Evidence Act 1984 – codes of practice 1995 edition – published by H.M.S.O.
 - (b) Home Office Circular NO. 78/1992 Criminal Justice Act 1991:Detention of Juveniles.
- 1.9 These guidelines are written for those circumstances where the detained person is a juvenile or youth (under 18) . Appropriate adults are also required when the detainee has a learning disability or is suffering from mental health problems.

2. REQUEST FOR AN APPROPRIATE ADULT

- 2.1 When an appropriate adult for any juvenile suspect, victim or witness is required, the responsible police officer will make the referral to the Youth Offending Service duty officer on 01895 558203 or after hours, the Emergency Duty Social Worker on 01895 250111 who will be the responsible person for co-ordinating an appropriate adult.
- 2.2 The duty officer/EDT will make the following enquiries
- Clarify the date, the time the request is taken, the name, address and gender of young person, the station making the request and the name and number of the requesting officer.
 - Ascertain the circumstances of the arrest, how long the young person has been detained.
 - Ask whether parents/carers have been contacted and record reasons for their non-attendance. Obtain contact details.
 - Confirm that a solicitor has been requested and ask for an ETA. Insist on a solicitor being present if the request has not yet been made. Inform the Police Officer that an AA will attend 1 hour before the solicitor is due to arrive. If the young person has already turned down this facility, the officer may decline to contact the young person's solicitor or duty solicitor until you have arrived and advised the young person of your intention to overrule their decision regarding legal advice. A solicitor should always be consulted when a young person is to be interviewed. In rare circumstances it may be sufficient for a young person to take legal advice from their solicitor over the telephone. The duty officer/appropriate adult should discuss this with their manager.
 - Ask if the young person is able to communicate fluently in English. If an interpreter is required the custody officer will arrange this.
 - Ask if the young person has any particular disability e.g. speech, hearing, visual, learning difficulties.
 - Check careworks to see if the young person is known to the YOS

- Check protocol or telephone Social Care to check if the young person is known and obtain available information. If the young person is looked after by Hillingdon the duty officer should contact the social worker or their manager to see if there is a more suitable person to attend as an appropriate adult e.g. social worker, residential worker, foster carer.
- Find out if the young person has any special needs that may impact on their understanding of, or participation in the process.
- Contact Education to check if young person is known
- Contact parents/carers to clarify; why they are not attending and establish if there is another family member or family friend that can attend on their behalf. If someone else can, advise the responsible Police Officer.
- Ask parents/carers if the young person has any special needs that may impact on their understanding of, or participation in the process.
- If the young person is not a resident of Hillingdon, contact should be made with the appropriate authority, primarily the Youth Offending Team to ask them to obtain relevant information.
- If a volunteer appropriate adult is available on the rota, the duty officer will ensure that they have all of the information they have been able to obtain and are made aware of their expected time of arrival.
- Advise the responsible Police Officer of any changes to the original agreed arrangement

In all cases every effort must be made to find out whether there are any specific issues the appropriate adult needs to be made aware of that may impact on the young person's ability to understand and participate fully in the process.

2.3 If you are dissatisfied with police efforts during this stage you should record your reasons and as soon as is practicable, notify your line manager, the manager of the Youth Offending Service, the custody officer at the requesting station and the solicitor.

2.4 A worker should not act as the appropriate adult where they have witnessed the alleged incident; are involved in the investigation; or have received admissions from the young person prior to acting as the appropriate adult. Guidance 1D in PACE quotes '*If a juvenile admits an offence to or in the presence of a social worker other than during the time that the social worker is acting as the Appropriate Adult for that juvenile, another social worker should be the Appropriate Adult in the interests of fairness*'. For clarification, the appropriate adult duties commence once you have been signed in the custody area, on the custody record as arriving to carry out your duties as an appropriate adult.

3. ON ARRIVAL AT THE POLICE STATION

3.1 Ask to see the custody officer Ask for the following information and to see the custody record, which will contain some of it:

- Is the parent or guardian still unable to attend?
- At what time was the young person detained?

- Reason for arrest.
- Has the young person asked for legal representation?
- Has the young person been told of his or her rights about representation?
- Has the young person chosen to exercise any other rights?
- Have any 'informal' statements been made?
- Ascertain whether the police have made any provisional decision to grant/deny bail. If they indicate they may deny bail you need to contact your manager re identifying a suitable placement. If you have responded to a request from EDT you should inform the EDT Duty Officer at this point of the possible outcome.

3.2 **Request to see the young person alone** you have this right.
(Code C (3.12)).

- When meeting the young person the appropriate adult should introduce themselves and describe their role. They should explain confidentiality and disclosure to the young person and why they cannot discuss matters pertaining to the offence itself. The appropriate adult could be questioned by the police about what they have been told or even called to appear as a witness.
- The appropriate adult should look for any signs of distress or neglect. Any specific concerns relating to safeguarding or to the young person's well-being should be reported to the custody sergeant, YOS duty officer/EDT following the meeting. These concerns should also be noted on the monitoring form.
- The appropriate adult should advise the young person of the information they have been given with regard to any special needs they may have and obtain their permission to pass this information on to the solicitor, the interpreter and to the custody sergeant in order that the interview may be conducted in a manner appropriate to their needs.

You can cover the following areas in your interview

- Ask if the young person knows what he or she is suspected of.
- Ask if the young person has been told his or her rights.
- Ask how he or she has been treated and make a record of the response. The code of practice gives clear guidelines on the treatment of detained person. Check that there has been no neglect/abuse of detainee and make a record of the response.
- Ask if the young person has been given the opportunity to see the Forensic Medical Examiner (Doctor)

- Ask if questioning has taken place already. If the answer is yes, ask the circumstances and make a record of the response.
 - If the young person is not under arrest, tell him or her that he or she can leave at any time and that if they choose to stay they may consult a solicitor.
- 3.3 The appropriate adult can override a young person's decision not to have a solicitor present (Code C.6.5A). However, in extenuating circumstances the appropriate adult may choose not to do so but this decision needs to be approved by a manager.
- 3.4 Advise the young person of the caution which will be given at the beginning of the interview and what this means (see section 5.1 of this document). In essence the caution means that the suspect is still able to remain silent but the court is allowed, in certain circumstances, to draw an adverse inference from the suspect's silence.

These circumstances may include:

- a. where the accused fails to mention a fact, which he/she relies upon in his/her defence and it was reasonable for the accused to have mentioned the fact when questioned or charged.
 - b. where a person fails or refuses to account for any object, substance or make in his possession, on their person, in or on their clothing or footwear or in any place at which they were at the time of arrest.
 - c. the failure of an arrested person to account for their presence at a particular place where he is found.
- 3.5 It is the role of the solicitor to advise the young person how to respond in the interview. The young person will have a private consultation with the solicitor the contents of which will be subject to legal privilege. The appropriate adult should not be part of this consultation, unless they and the solicitor are of the view that their participation is essential to facilitate communication.

4. READING OF RIGHTS

- 4.1 The young person's rights will have been given immediately upon his arrival at the station. They will be repeated in the appropriate adults' presence before the young person is interviewed. The custody officer will record this.
- 4.2 Right 1 - the right to have someone informed of his or her arrest.
- Right 2 - the right to consult a solicitor
- Right 3 - the right to consult the Codes of Practice (Code C 3.1)

- 4.3 There may be a delay before the interview. The codes of practice say that a juvenile should not be placed in a police cell unless no other secure accommodation is available (i.e. the detention room) and the custody officer feels that it is not practicable to supervise him/her if not in a cell. The juvenile may not be placed in a cell with a detained adult. If the custody room is quiet the custody officer will usually allow the juvenile to sit with you in the custody room.

5. THE INTERVIEW

- 5.1 At the start of the interview the young person will be cautioned:

‘You do not have to say anything but it may harm your defence if you do not mention when questioned something which you later rely on in court. Anything you do say may be given in evidence’.

At this point, for the purposes of the interview, the appropriate adult will read out the statement of needs as obtained from the YOS/EDT and from the young person themselves. **See appendix A**

- 5.2 Record the time the interview started and the time it finished and the names of the interviewing officers. When taking notes of the interview, make sure you include a record of any confessions, consents given for fingerprinting, photography, body searches or identification parades. Also an assessment of the understanding, attitude, and well being of the young person.
- 5.3 There is a clear duty for the appropriate adult to ensure the young person understands what is being asked of him or her and the implication of certain ways of answering. The appropriate adult should, if necessary, interrupt to satisfy him/herself that the detainee understands what is being asked and the meaning of his or her reply, to ensure she/he really meant to say it in exactly that way. Certain ways of questioning such as ‘leading’ questions can confuse or intimidate the detainee and may need intervention of the appropriate adult to help him or her think clearly about the response. The detainee should be encouraged to use their own statements about events and incidents and not allow themselves to be led into a ‘yes’ or ‘no’ answers, other than over simple factual things, e.g. their names, address, etc.
- 5.4 An appropriate adult could be called to a subsequent court hearing if aspects of a detention and interview they attended are questioned by the defence solicitor, so it is important the role is carried out effectively and in accordance with the codes.
- 5.5 The codes state that ‘no police officer may try to obtain answers to questions or elicit a statement by use of oppression, or shall indicate, except in answer to a direct question, what action will be taken on the part of the police if the person interviewed answers, questions, makes a statement or refuses to do either’. (Code C.11.3). Make a record of any offensive or racist remarks; inform parents/guardian or solicitor if any have been made.
- 5.6 If there seems to be a threat or inducement ask for the question to be re-worded and your intervention to be recorded. If the police persist with the threat or

inducement then withdraw from the interview and bring this to the attention of the custody officer.

- 5.7 If a break in questioning occurs ensure the young person is aware of exactly when the interview formally starts again to avoid confusion. There should be short breaks for refreshments every two hours and at recognised meal times and 9 hours rest (preferably at night) in any 24-hour period.
- 5.8 If the interview is taped, two simultaneous recordings are made. One copy is sealed and retained as a master tape. The 'working copy' is later used by the police to make a transcript of the interview.

If the interview is contemporaneously recorded by hand, ensure that you and the young person are shown the police record of the interview and have an opportunity to read it. Sign it if you are happy. If not, do not sign and inform custody officer.

6. POST INTERVIEW

- 6.1 Following interview the police have a number of options;
 - a. Take no further action – release the young person without charge.
 - b. If the young person has admitted the offence in interview he/she may be bailed to attend the Youth Offending Service for an assessment prior to a decision being made as to how to progress.
 - d. Bail the young person to return to the police station at a later date whilst they undertake further enquiries on the matter.
 - e. Charge the young person for the offence and bail them to a court date.
 - f. Charge the young person for the offence and bail them to a court date with conditions attached to the bail (see below).
 - g. Continue to detain without charge for a period up to 24 hours if the police feel they need to question further or to secure or preserve evidence and the offence for which they are under arrest is a serious one. The Superintendent can extend this period to 36 hours. The appropriate adult should check that the limits of detention are kept to and reviews of detention are carried out properly. A 'review officer' will be appointed of Superintendent level or above.
 - h. Charge the young person and detain (see below 'Refusal of Police Bail').

7. CONDITIONAL POLICE BAIL

- 7.1 The police custody officer has an option of releasing a young person who has been charged on bail with conditions if they believe those conditions are necessary to prevent the young person from:

- a. Failing to surrender to custody: or
- b. Committing an offence while of bail: or
- c. Interfering with witnesses or otherwise interfering with the course of justice.

Please note 'necessary' means more than 'desirable/convenient'.

7.2 Examples of conditions, which may be attached, include;

- residence
- curfew
- surety
- reporting
- bind over of parents/guardian to ensure child/young person complies with conditions (consent required, maximum amount £50.00).

Where a young person is already accommodated by the Local Authority a condition of residence at the placement may be appropriate if the local authority agrees.

N.B. This is not an option for non-accommodated children who can only be transferred to local authority accommodation following a formal denial of police bail

7.3 The police cannot attach conditions, which require the person to live in a bail hostel, make themselves available for inquiries or reports or undergo medical tests.

7.4 The custody officer imposing conditions must give reasons for his/her decision, include a note of the reasons in the custody record and give a copy to the person charged.

N.B. When conditional police bail has been granted the defendant may subsequently apply to the same or another custody officer to ask them to vary the conditions. Alternatively they may apply to the youth court for the conditions to be varied or rescinded.

7.5 The police should advise the appropriate adult of what steps they will be taking to ensure that the young person gets home safely and this should be recorded on the monitoring form.

7.6 At the end of the process the Police should contact parents/carers to advise them of the outcome of the arrest .

8. REFUSAL OF POLICE BAIL

8.1 The police may charge the young person and detain if there are reasonable grounds for believing that the bailed young person would;

- fail to appear in court
- commit an offence on bail (imprisonable offence)
- interfere with the administration of justice or the investigation of offences
- cause physical injury or loss or damage to property (non imprisonable offences)
- require detention for their own protection or, in the case of a juvenile, 'his own interests'.

Where the police intend to refuse bail the appropriate adult should clarify what the reasonable grounds are upon which they are making their decision.

- 8.2 If following charge the young person is to be detained by police, he/she will normally be transferred to accommodation provided by the local authority, the nature of which is a matter for the local authority. It is the local authority's duty to produce the juvenile in court. Any appropriate adult acting on behalf of another borough should consult with the home borough and reach an agreed response before committing the other borough to a particular course of action or allocation of resources.
- 8.3 Any juvenile can be held by the police themselves if the custody officer certifies that it is "impracticable" to make the transfer to local authority accommodation. The circumstances, which make the transfer impracticable, must be specified in a certificate (which must be available to the court). The lack of secure local authority accommodation shall not make it impracticable for the custody officer to transfer him. The availability of secure accommodation is only a factor in relation to a juvenile for whom other local authority accommodation would not be adequate to protect the public from serious harm from the juvenile (see below).
- 8.4 The circumstances in which a transfer would be impracticable are those, and only those, in which it is physically impossible to place the juvenile in local authority accommodation. These might include extreme weather conditions (e.g. floods or blizzards), or the impossibility, despite repeated efforts, of contacting the local authority. The codes of practice issued under the 1984 Act make clear that neither the young person's behaviour nor the nature of the offence with which he/she is charged provides grounds for the custody officer to retain him/her in police custody rather than seek to arrange for his/her transfer to local authority accommodation on the grounds of "impracticability".
- 8.5 'Local Authority Accommodation' in these circumstances may include the placing of a child with a parent. However there is case law which suggests that if the custody sergeant is not satisfied with a proposal to return a child to his parents then he can detain the child under S38 (6) (a) on the basis that it was impracticable to transfer to the Local Authority. This appears in direct contradiction to Home Office circular 78/92 (Appendix C) which notes that 'the type of accommodation in which the local authority proposes to place the juvenile

is not a factor which the custody officer may take into account in considering whether the transfer is impracticable.

- 8.6 In practice the number of young people considered suitable for sending home in these circumstances will be small. It should only be considered as an option for those young people who, as shown by their previous placement history, are more likely to abscond from a children's home than their family home. Given the conflicting guidance on the police's power, counsel suggests that in these cases we continue to use the Home Office Circular in our discussions with the police, whilst recognising that the police may decline to transfer the young person to our care.
- 8.7 The police may detain a young person who has reached the age of 12 if there are no local authority secure accommodation places available. However, the custody officer must certify that to hold the young person in accommodation other than secure provision would be inadequate to protect the public from "serious harm" from the charged young person.
- 8.8 Section 38.6A of PACE defines 'serious harm' in the context of violent and sexual offences as 'death or serious personal injury, whether physical or psychological.' Whilst 'serious harm' is not defined in relation to other offences, the definition above should be taken as an indicator of the degree of harm to which the public would have to be exposed from the juvenile charged with any other offence before the test is likely to be satisfied. Where deeming a young person as a likely cause of serious harm the time period before the young person appears in court may also be a significant factor.
- 8.9 The police can usually indicate their position on police bail fairly early in the proceedings see 3.1 (ix). It is wise to instigate the process of finding a suitable placement as soon as you can to avoid unnecessary delays in transferring the young person when the formalities at the police station have been concluded.
- 8.10 The police are required to notify the court where a young person has been detained at the station (Appendix D).

9. PHOTOGRAPHS

- 9.1 The young person must be told of the reasons for taking the photograph and that it will be destroyed if s/he is not prosecuted or found not guilty of the offence. The young person may witness this destruction if they so wish.
- 9.2 If the young person agrees to a reprimand/final warning the photograph can be retained and this may affect the decision whether to agree to this action or not.
- 9.3 A photograph may be taken without consent, although force may not be used, in certain circumstances (see code D 4.2). This would include where the young person has been charged with or reported for a recordable offence and has not yet been released or brought before a court.

10. **FINGERPRINTS**

- 10.1 Appropriate adult consent is required but the police can take fingerprints without consent and use 'reasonable force' if
- the young person is suspected of being involved in an offence and fingerprints would disprove or prove this, or
 - the young person is charged with or reported for a recordable offence
 - the young person has been convicted of such an offence and they (i.e. police) do not have a record of fingerprints.
- 10.2 Where fingerprints are being taken without consent it has to be authorised by an officer of at least the rank of superintendent.

11. **STRIP SEARCHES** (Code C Annex A)

- 11.1 These involve the removal of more than outer clothing and can only be carried out by an officer of the same sex. A strip search is carried out if the police have reason to believe that the suspect has concealed on the person an article which they are not allowed e.g. knife.
- 11.2 A search of a juvenile may take place in the absence of the appropriate adult only if the juvenile signifies, in the presence of that adult, that he prefers the search to be done in this manner. The appropriate adult must also consent.
- 11.3 For the purposes of a search, the appropriate adult should be of the same sex unless the person being searched has requested a particular adult. If this is not possible, and the police have to proceed on **no** account should an appropriate adult, acting on behalf of the borough, witness the search.

12. **INTIMATE SEARCHES** – ear, nose, vagina, anus (see Code c Annex A)

- 12.1 Need to be authorised by superintendent or above if they believe that the young person may have concealed on him:
- an item that could cause injury
 - a class A drug (heroin, cocaine **not** cannabis) with the intent to supply/export.

This search would have to be done by a suitably qualified medical person unless the superintendent considers this is not practical.

- 12.2 An intimate search at a station of a juvenile may take place only in the presence of an appropriate adult of the same sex (unless the person specifically requests the presence of a particular adult of the opposite sex who is readily available). See section 11.3.

12.3 The search may take place in the absence of the appropriate adult only if the juvenile signifies in the presence of the appropriate adult that he prefers the search to be done in this manner. The appropriate adult must also consent. A record shall be made.

13. **BODY SAMPLES** (See Code D5)

13.1 **Non Intimate** – e.g. hair not pubic; nails a sample from under nail; footprint, swab taken from any part of body including mouth but not any other orifice; saliva.

- Consent will have to be in writing. Circumstances where non consent can be over ruled by a superintendent or above include (1) where it is believed that the sample will tend to confirm or disprove the young person's involvement in a recordable offence or (2) he/she is charged with a recordable offence or has been informed that they will be reported for such an offence and no sample has yet been taken in the course of the investigation.
- Where these circumstances apply reasonable force may be used to take non-intimate samples.

13.2 **Intimate Samples** e.g. dental impressions, blood; semen or any other tissue fluid urine, pubic hair; swab taken from a person's body orifice other than the mouth.

- Such samples may be taken from a person in police detention only if an officer of at least the rank of superintendent authorises it to be taken and the appropriate adult gives written consent.
- Before being asked to provide an intimate sample the young person must be warned that a refusal may be treated, in any proceedings, as corroborating relevant prosecution evidence.

Except for samples or urine, intimate samples may be taken only by a registered medical or dental practitioner as appropriate.

13.3. **General**

- Where, in the obtaining of samples clothing needs to be removed in circumstances likely to cause embarrassment to the person, no person of the opposite sex who is not a medical practitioner/nurse should be present unless it is an appropriate adult of the opposite sex who has been specifically requested by the young person.
- The removal of clothing may take place in the absence of the appropriate adult only if the juvenile signifies in the presence of the adult that he prefers them not to be present. The appropriate adult must agree.
- The young person from whom a sample is taken will be informed beforehand that any sample taken may be checked against other records.
- With respect to any of the above police actions, in particular body searches and body samples the appropriate adult should consult again with a parent or

guardian who has been unwilling or unable to attend, and discuss this with them.

14. IDENTITY PARADES (Code D Annexe A & B)

- 14.1 The appropriate adult must always involve a solicitor and the parents or guardians if possible.
- 14.2 A parade may taken place either in a normal room or one equipped with a screen whereby the witness can see members of the parade without being seen.
- 14.3 Immediately before the parade the identification officer must remind the young person of the procedures governing its contact and caution him/her in the same manner as when originally detained for the offence.
- 14.4 Once the parade has been formed everything afterwards in respect of it takes place in the presence of the young person, appropriate adult and solicitor.
- 14.5 A parade consists of at least eight persons (in addition to the suspect) who so far as possible resemble the suspect in age height, and general appearance.
- 14.6 The young person and his solicitor will be asked whether there are any objections to the participants in the parade. The codes of practice say that where practicable steps will be taken to remove the objection and where it is not practicable the officer shall explain to the suspect why his objections cannot be met.
- 14.7 The young person can select his own position in the line. If there is more than one witness he can change his position in the line. Witnesses are brought in one at a time.
- 14.8 If the witness makes an identification after the parade has ended the young person/solicitor and appropriate adult shall be informed.

15. GROUP IDENTIFICATION (Code C Annexe E)

- 15.1 If the young person refuses or, having agreed fails to attend an I.D. parade the police may make arrangements for the witness to see him/her in a group of people.
- 15.2 The young person should be asked for his consent to a group I.D. However where consent is refused the I.D. officer has the discretion to proceed without it.
- 15.3 A group identification should where practicable be held elsewhere than in a police station.
- 15.4 If neither a parade or group identification is arranged a witness may confront the suspect. A confrontation does not require the young person's consent but may not take place unless the above procedures are not practicable.

16. VIDEO IDENTIFICATION (Code D Annexe B)

16.1 Video film of a suspect may be shown to a witness in certain circumstances. The young person should be asked for his consent to a video identification however where this is refused the identification officer has the discretion to proceed if it is practicable to do so.

17. CONFRONTATION (Code D Annexe C)

17.1 If neither a parade, group id nor a video identification procedure is arranged the witness may confront the suspect. Such a confrontation does not require the suspect's consent but may not take place unless none of the other procedures are practicable.

18. CUSTODY RECORDS

18.1 A record is made of all actions/events, which take place from the point that the young person is detained by the custody officer to when the young person is bailed, transferred to local authority accommodation or taken to court.

18.2 Any concerns regarding the young person's treatment and possible breaches of the codes should be discussed with the custody officer. The appropriate adult should also ask for their concerns to be recorded on the custody record. The Youth Offending Service should also be advised.

18.3 The appropriate adult is entitled to a copy of the custody record upon request (as soon as practicable).

19. MONITORING

19.1 It is important for the local authority to record the requests for an appropriate adult service and the outcomes of arrest for juveniles.

19.2 To this end a monitoring form must be completed and forwarded to the Youth Offending Service each time an appropriate adult function is performed.

19.3 The monitoring form will be completed and forwarded to the YOS group email hillingdonyos@hillingdon.gov.uk by 10am the following morning. The personal details of the young person must not be put on any form that is to be emailed. A phone call should be made to the duty officer to confirm the personal details which will then be added to the form.

19.4 As there is more information on the form than is required on the careworks AA tab, admin will first enter the required information on to the AA tab and then attach the form by paperclip.

19.5 The admin officer will also forward the form to the duty senior to check for any outstanding concerns. The duty senior will confirm on careworks contacts that they have reviewed the document and detail any action taken.

- 19.6 The duty officer will send out a standard letter to parent/carer advising them of the outcome. **See appendix B**
- 19.7 Where the young person is not a resident of Hillingdon, a copy of the form should be forwarded by admin to the relevant Youth Offending Team along with any other paperwork.

20. SPECIAL GUIDANCE FOR VOLUNTEERS

- 20.1 These guidelines are for the use by any person acting as an appropriate adult on behalf of the London Borough of Hillingdon. This includes all volunteers acting as appropriate adults.
- 20.2 A volunteer appropriate adult is a valuable service offered by the Youth Offending Service. As a volunteer you are representing the Youth Offending Service and your actions will reflect upon how the service is viewed.
- 20.3 Requests for volunteer appropriate adults will be made via one of the following methods;
During office hours: Volunteers will be co-ordinated and supported by the Duty Officer based at the Youth Offending Service. Tel: 01895 558203
Out of office hours: Volunteers will be co-ordinated and supported by the on call social worker from the Emergency Duty Team (Tel: 01895 250111).
- 20.4 As a volunteer your responsibilities will include notifying the YOS/EDT and the Custody Sergeant of any specific safeguarding or welfare concerns you may have about the young person.
- 20.5 Volunteers are not permitted to transport young people to any location after an interview, unless consent is given by the co-ordinating agency in advance.

21 RISK ASSESSMENT AND SAFETY AND WELL BEING OF YOUNG PEOPLE

- 21.1 **It is your duty to pass on information that can be used to assess the risks presented by or to any young person interviewed in your presence. This information is to be passed on to the agency that is co-ordinating your attendance as an appropriate adult.**
- 21.2 **The co-ordinating agency has a responsibility to inform the custody officer of any information that they are aware of that may affect the police's decision to grant bail.**
- 21.3 **It is the responsibility of the police to assess whether or not to grant bail, based on their assessment of risk. The police assessment takes into account welfare issues as well as risk of offending on bail.**
- 21.4 **If you have any concerns when requested by the police to sign for the young persons bail then contact the co-ordinating agency to discuss the issues.**

Appendix A Template for confirmation of young person's needs for the purposes of the interview

For the purposes of this interview, I have been provided with a statement of needs for **NAME** by the YOS / EDT and by **NAME** himself / herself. They are as follows:

e.g.

- NAME has emotional and behavioural difficulties and has a statement of educational need
- NAME has learning difficulties and may struggle to understand the questions
- NAME'S mother has recently been hospitalised and he/she is really distressed
- NAME is a looked after child and has recently been moved from foster parents into residential accommodation

Appendix B - Standard letter to advise parents of the outcome

Name
Address

Date

Dear

Please be advised that Hillingdon Youth Offending Service provided an Appropriate Adult for your son / daughterat

.....
Police Station onatam /pm.

The outcome following the arrest of your son / daughter was that he / she was.....
.....
.....

The solicitor that attended wasand can be contacted at

.....
.....
Telephone number

Please contact the solicitor if you require any further information.

Yours sincerely

Duty Officer
Hillingdon Youth Offending Service