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## **Introduction**

The requirement for the attendance of an 'Appropriate Adult' when a 'mentally vulnerable' person is held in police custody is created within the codes of conduct of the Police and Criminal Evidence Act (PACE 1984). Many police force areas do not have an Appropriate Adult Scheme ([www.appropriateadult.org.uk](http://www.appropriateadult.org.uk)), and where established, they are often not available round the clock (HMIC, 2015) meaning that 'Vulnerable adults' frequently do not have access to the support of an Appropriate Adult (HMIC, 2015). Provision was historically led by adult social services, with a trend towards the use of volunteers during in the 1990s, and more recently there has been a movement towards the commissioning of services from the private sector <http://www.appropriateadult.org.uk/index.php/policy/vulnerable-adults>. This has led to an incoherent and inconsistent system of national provision which cannot be relied upon to fully meet the needs of service users.

Drawing upon qualitative research undertaken with custody officers and Appropriate Adult volunteers, this chapter examines the impact of austerity upon the provision of support for 'vulnerable adults' within police custody and the challenges experienced by custody officers in ensuring those entering the custody suite receive the necessary protection to safeguard their rights. In framing the discussion contained here it is important to note that the authors reject the concept of 'vulnerability' as representing a deficit approach and where the phrase 'vulnerable' or 'vulnerability' is employed it is reflective of PACE (1984) and not of the standpoint of the authors.

In this chapter it is argued that austerity measures introduced in England and Wales since the onset of the 2008 recession have greatly increased the demands on available resources. The result is an unsatisfactory picture where ‘vulnerable’ people cannot be assured of receiving the support that they need and deserve, where evidential requirements are difficult to meet and where neo-liberal ideals have replaced welfare concerns as the driving force behind decisions relating to provision of services.

### **Methodology and Research Site**

This study uses a mixed method design, triangulating qualitative data. The use of a mixed methodology allows for the inclusion of data from a range of sources in order to ensure that the findings are comprehensive and are robust (Denzin, 1970). It is to be expected that ‘due to demands placed on criminal justice organisations and the necessity for secrecy about some operational activities, obtaining data can sometimes prove difficult’ (Crowther-Dowey and Fussey, 2013: 207) and so data was sought from alternative perspectives in order to ensure that some useful analysis could be conducted, and so that potential bias in the findings could be reduced (Silverman, 2004).

This study outlines the policy context of austerity policing, the nature and development of the Appropriate Adult role, and the impact of both austerity measures and narratives of ‘vulnerability’ for people who are in need of support during their time in custody.

The findings presented here draw upon publicly available reports, policy documents and the findings of previous research, alongside data gathered via a qualitative online survey conducted with ten Appropriate Adult volunteer respondents, interviews with two

Appropriate Adult volunteer respondents, a focus group with three Appropriate Adult volunteer respondents, and interviews with eight custody sergeants, conducted force wide across a single police force area and across a range of shifts.

With a population of 1.4 million and 623,061 households, the force area in which the primary research is conducted operates is extensive, spanning over 2,000 square miles, and contains six local authority areas, encompassing vast rural areas, two cities and three densely inhabited urban conurbations. The 2011 Census registered over 94% of the population as white, and 5.43% of the population from BME communities. 32% of the population is aged 20-44 and 18% are is 65 and over. There are significant pockets of deprivation across the force area, including one local authority district included within the 10% most deprived in the country (as measured by the 2015 Index of Deprivation) and, at the time of writing, levels of unemployment were significantly higher than the national average.

Despite losing 860 officers and almost 1000 police staff since 2010, the force, as of March 2017, has maintained one of the highest ratios of police officers per 100,000 head of population in England and Wales and close to 3,000 officers employed in frontline roles (Allen and Uberoi, 2017). With respect to demand on police services, estimates by the force police crime commissioner's office indicate that the force receives over 500,000 calls and over 800 non-emergency calls, and reports almost 1,200 incidents with over 250 crimes recorded per day. Non-crime demands involving individuals with mental health issues are also significant with daily estimates at 25 incidents and undertake 1 place of safety order under s.136 of the Mental Health Act (1983).

The force currently has four major custody suites following a recent rationalisation of

custody provision, although at the time of writing only three were operational, and benefits from several satellite temporary suites that can be used in exceptional circumstances. A joint inspection by and HMIP and HMIC (HMIP/HMIC, 2014) calculated that 56,840 individuals had been detained in custody suites across the force area between January 2013 and 2014. The report highlighted specific areas requiring attention relevant to the welfare of vulnerable adults, including; inadequacies regarding monitoring and evaluation owing to a combination of paper based and computer-based records being used, inconsistent quality assurance processes including handovers and cross referencing of records and CCTV, and a formulaic approach to risk assessment. With respect to the treatment of detainees and conditions within the suites, the inspection (HMIP/HMIC, 2014) commended custody staff for the respect and consideration afforded to vulnerable detainees, when their vulnerability was apparent, but warned that there was a risk that more complex cases of vulnerability could be missed and there was scope for greater sensitivity towards the privacy needs of vulnerable individuals.

### **Policing in Austerity**

Historically, the police organisation has been accustomed to significant and sustained investment from national government, as indicated in the doubling of public spending on policing from £6.45 billion in 1994/1995 to £13.7 billion 2008/2009 (HMIC, 2010). This period of investment ended following a Comprehensive Spending Review (HM Treasury, 2010) when the police, alongside other public sector agencies, were confronted with a cumulative 20% reduction in central government spending in policing between March 2011 and March 2015, amounting to a £2.42 billion saving in public spending, and continue to be subjected to an expansive programme of budgetary constraints and efficiency savings. In some respects, government directives for efficiency savings and careful fiscal management were not new to the police, having already been subject to managerialist policy directives

designed to ease the administrative burden and to promote greater efficiency, effectiveness and value for money (Sheehy, 1993; Home Office, 1995; Cockcroft and Beattie, 2009), and widespread adherence to the principles of new public management (Savage, 2007; Carlisle and Loveday, 2007). However, the scale of reductions in public spending under the current period of austerity was unprecedented and presented a unique set of challenges to the police (HMIC, 2012). Part of the solution to achieving savings was to be achieved by “cutting out time wasting bureaucracy” (HM Treasury, 2010: 54), with further savings achieved by removing central targets, supporting professional responsibility and restructuring ‘back office’ roles (HM Treasury, 2010).

Under this altered policing landscape, the police were expected to improve quality of service provision but to deliver more with fewer resources (Millie and Bullock, 2012). To counteract criticism, assurances that the frontline would be protected from budget cuts were accompanied by a new discourse of austerity policing (Brodgen and Ellison, 2013), which presented the period of austerity as an opportunity to review methods of working and to work smarter (Millie and Bullock, 2013, HMIC, 2014).

There is growing evidence to suggest that police are spending an increasing amount of time dealing with vulnerable people, particularly those with mental health needs, both as victims and as suspects (Cotton and Coleman, 2010; Godfredson *et al.*, 2010; Quinn *et al.*, 2016). There is a commitment to improving partnership working and the co-ordination and availability of mental health services (Department of Health, 2014). Cuts to other public services mean that the police remit for service is paramount and that the police are often called out to respond to incidents that are more related to safeguarding and unrelated to crime.

As mental health services also adjust to austerity and the provision of protective and treatment based interventions contracts, police are frequently called in the first instance to

respond to individuals with mental health issues in distress (Cummins and Jones, 2010). Research conducted by McLean and Marshall (2010) with Scottish frontline officers indicates that officers experience high levels of frustration when responding to incidents involving those experiencing mental distress when there is no basis for arrest, when they feel their role has been misused due to a lack of available support, and when there are no positive outcomes for the individual concerned. For the most part, these officers expressed a preference towards diversion but recognised that ‘gaps in services or failures in collaborative working could result in inappropriate detention in police cells’ (McLean and Marshall, 2010: 68). Police contact, therefore, whether police-initiated or otherwise, all too frequently leads to vulnerable individuals finding themselves caught up within the criminal justice system (Bradley Report, 2009).

### **‘Vulnerable Adults’: Policy Context**

People who are identified as being ‘vulnerable’ may be more likely than the wider population to be drawn into criminality, may not understand the nature of proceedings against them (Herrington and Roberts, 2012) and in interview settings may provide information that is unreliable and inaccurate (Medford *et al.* 2003) or may provide socially desirable responses rather than the truth (Herrington and Roberts, 2012); they are therefore in need of additional protections when coming into contact with the Criminal Justice System.

Recent research further indicates that ‘mentally vulnerable’ people in custody did not understand what was happening to them or why, said that they felt alone, they did not know who to turn to for support and that they were uncertain about what they should say and do (Hyun *et al.*, 2014). Despite discussions relating to evidential requirements outlined above, the authors here proceed on the basis that *there is* a need for Appropriate Adult services to

emotionally support people who have been identified as being ‘vulnerable’ throughout a difficult and stressful experience.

There are a number of pieces of legislation that outline relevant definitions and rights; the Mental Health Act 1983 (MHA 1983) Section 1(2) states that ‘mental disorder means any disorder or disability of the mind’. Sections 6 and 15 of the Equalities Act 2010 define disability as ‘a physical or mental impairment which has a substantial and long-term adverse effect on the individual’s ability to carry out normal day-to-day activities’. Article 6 of the Human Rights Act 1998 (right to a fair trial) sets out the right for a suspect to be informed, in a way that the person understands and in detail, the nature of the accusation against them.

The Mental Capacity Act (2005) sets out five principles:

- presumption of capacity;
- the right for individuals to be supported to make their own decisions;
- the right to make ‘unwise’ decisions;
- best interests;
- and least restrictive intervention.

The Care Act (2014: 192) states that ‘everyone is entitled to the protection of the law and access to justice’.

Although there is no single legislative instrument which can be pointed to that covers all of the considerations that must be made in ascertaining need, it is clear that the overall picture, when all are taken together, is that there is an expectation that people who are defined as ‘vulnerable’ are entitled to some special consideration in order to ensure that they are treated fairly and are able to access justice.

#### History and Development of the Appropriate Adult Safeguard for Vulnerable adults



‘Mentally vulnerable’ people have been found to be at “increased risk of providing information which is inaccurate, unreliable or misleading” (Gudjonsson, 2010). In order to mitigate or reduce this risk the Appropriate Adult is provided as a safeguard. ‘The evidential need for an Appropriate Adult to be present during questioning has been traced back to the so called ‘Confait Confessions’ procured amid alleged inappropriate questioning and police brutality [R v. Lattimore, Salih and Leighton, 1975] the murder convictions which had been secured in the Maxwell Confait murder case were quashed on appeal, as it was decided that there had been a breach of Judges’ Rules (Bath *et al*, 2015) (see also Price and Caplan, 1977; Cummins, 2011).

The report of the Royal Commission on Criminal Procedure (RCCP, 1981) was the forerunner of, and informed the development of PACE (1984) and the associated codes of practice, it aimed ultimately to achieve ‘fairness, openness and workability’ (Brown, 1997: 1–2).

The Appropriate Adult safeguard for ‘vulnerable adults’ was formally introduced in 1984 under PACE. The requirement for a provision is contained within the codes of practice rather than the Act itself and in particular within code C which sets out the Code of Practice for the detention, treatment and questioning of persons by police officers (As amended Feb 2017. See Sections 10(d) and 11(c)).

The PACE (1984) guidance notes outline the nature of ‘mental vulnerability:

‘Mentally vulnerable’ applies to any detainee who, because of their mental state or capacity, may not understand the significance of what is said, of questions or of their replies. ‘Mental disorder’ is defined in the Mental Health Act 1983, section 1(2) as ‘any disorder or disability of mind’. When the custody officer has any doubt about the mental state or capacity of a detainee, that detainee should be treated as mentally vulnerable and an [Appropriate Adult] called (PACE, 1984, notes for guidance: 88).

Despite clear guidance within PACE (1984) and elsewhere regarding the nature of ‘vulnerability’ and the associated entitlement to Appropriate Adult support, there is currently a question over who should be responsible for provision of Appropriate Adult services. There is a statutory obligation for provision for juveniles under the Crime and Disorder Act (1998), which does not extend to adults.

Section 38 of the Crime and Disorder Act 1998 places a statutory duty on local authorities, via YOTs, to ‘ensure the provision of persons to act as appropriate adults to safeguard the interests of children and young persons detained or questioned by police officers’. This is the only definition of the AA role that appears in legislation. There is no equivalent statutory of AAs for vulnerable adult suspects (Bath *et al.*, 2015: 8).

Early case law post PACE (1984) supported the evidential requirement for an Appropriate Adult to be present when a ‘vulnerable’ person is in custody, and in particular during questioning (see for example R v Dutton [1988] Morse and Others [1990] Cox [1991] Kenny [1993]), however later cases questioned this requirement and asserted the right of the courts to make this decision based upon the nature of the vulnerability and who was present at the time of the interview (see for example cases of DPP v Cornish [1997] R v Law-Thompson [1997] and R v Gill [2004]).

Adult social services, who historically have provided the majority of Appropriate Adult provision, remain the largest funder of Appropriate Adult services nationally. This provision is currently under severe pressure due to austerity led budget cuts; Appropriate Adult services are not prioritised in budget planning as they are a non-statutory service ([appropriateadult.org.uk](http://appropriateadult.org.uk)).

It is recommended that police forces should:

Ensure that the rights and interests of people with learning disabilities in police custody are safeguarded through the provision of good quality Appropriate Adult schemes that are available both during and outside normal working hours (HMIP, 2014: 48).

As there is a requirement that the Appropriate Adult be independent from the police, it is difficult to see how the police are able to ‘provide’ a scheme. There is a clear expectation that the police should not proceed with evidence gathering without an Appropriate Adult being present once a person in custody is identified as vulnerable, however, there is less clarity around who should fund and provide the service.

Service users can be deemed to be ‘vulnerable’ for a number of reasons, including learning difficulties or disabilities, or ‘mental disorder’, which often overlap with other complex needs including drug and alcohol support needs and financial difficulty. It has been suggested that multiple needs are more commonly found than single needs (Finn et al, 2000; Brooker *et al.*, 2011) and so the role of the Appropriate Adult in supporting a person identified as being vulnerable is characterised by complexity.

#### The Appropriate Adult role under austerity

The purpose of the Appropriate Adult according to PACE goes beyond merely observing – the role is to advise, to identify whether the interview is fairly conducted, and to ease and facilitate communication (PACE, 1984: 38).

The Home Office (2003) defined the main responsibilities of an Appropriate Adult as being:

- to support, advise and assist the detained person, particularly while they are being questioned;

- to observe whether the police are acting properly, fairly and with respect for the rights of the detained person. And to tell them if you think they are not;
- to assist with communication between the detained person and the police;
- to ensure that the detained person understands their rights and that you have a role in protecting their rights.

Often the only measure of performance used to evaluate the impact and effectiveness of Appropriate Adult schemes related to time, and there was a lack of focus on the nature of the support that was provided. ‘The availability of, and time taken to respond to a police request for an [Appropriate Adult], were of primary importance to [Appropriate Adult] service managers, commissioners and police staff’ (Jessiman and Cameron, 2017: 248). This is in contradiction to the ways in which service users and Appropriate Adults evaluate the effectiveness of an Appropriate Adult service which highlight the training, professionalism and personal skills and qualities of individual Appropriate Adults.

Service users are unequivocal in their view that Appropriate Adults must be sufficiently trained in order to carry out their role effectively. There is no current requirement that volunteer or professional Appropriate Adults are trained (Bath *et al.*, 2015). National Appropriate Adult Network members are provided with training materials and national standards for minimum levels of training; despite this, Appropriate Adults are often not sufficiently trained (Durcan *et al.* 2014, HMIP/HMIC, 2014).

Jessiman and Cameron (2017) identify a range of desirable Appropriate Adult attributes from a service user perspective. These include the need to be calm/ calming, caring, professional, knowledgeable, confident, and confidential. The role includes to just ‘be there’, and to help the service user to avoid feelings of humiliation and mockery.

Vulnerable adults want help to understand what is happening, communicate effectively and emotional support from a sympathetic and trusted [Appropriate Adult] (Jessiman and Cameron 2017) .

Bartlett and Sandland (2003) identify confusion about the nature of the Appropriate Adult role, with different stakeholders having conflicting perspectives about what the role entails, and what characteristics make for an effective Appropriate Adult. It is argued by White (2002) that extending legal privilege to the Appropriate Adult would help to give some clarity to the nature of the role.

Bath *et al.* (2015) identify a general understanding amongst service users that the role of the Appropriate Adult was to 'help', although the perception was that this was essentially limited to provision of support with communication in interviews. In terms of personal attributes a wider range was identified, but of key importance to service users was level of training, as well as independence, confidentiality and the ability to be non-judgemental.

Appropriate Adults in Bath *et al.* (2015) suggested that in order to carry out their role it was necessary for them to have the appropriate procedural knowledge, an understanding of the nature of the needs of the service users, and the role of others in the police station.

Appropriate Adults have also identified their role as being to protect welfare, to provide emotional support, to ensure physical needs are met and to ensure due process (Jessiman and Cameron, 2017). They highlight the importance of communication skills, appropriate boundaries and provision of support (Bath *et al.*, 2015)

In practice, operating within the constraints of austerity budgets makes it difficult to ensure that an individual can access an Appropriate Adult at all; (it is known that Appropriate Adult services cannot be accessed in all cases, see Bath *et al.* (2015), Jessiman and Cameron, (2017)) let alone stipulate levels of training or skill, personal attributes, or who the appropriate adult should be. There are existing instructions to police that trained/experienced

individuals are likely to be more satisfactory than family members, however it is stated that “if the detainee prefers a relative to a better qualified stranger or objects to a particular person their wishes should, if practicable, be respected” (PACE Code C, paragraph 1D).

## **Primary Research Findings**

### **Perceptions of responsibility for provision of an Appropriate Adult service**

The support provided to ‘vulnerable’ adults in custody needs to be understood against a backdrop of austerity in the police organisation. Custody officers have an acute duty of care to detainees requiring intensive observation, continual risk assessment and considerations of welfare whilst in custody. Nationally, Austerity pressures have described as being ‘intense’ (Stevens, 2014: 76).

It was clear within custody officer accounts that the occupational pressures within custody suites had amplified under austerity whereby resources are becoming increasingly stretched including human resources:

I think the problem is at the moment I’m just telling you how it is, erm, we’re so..., we’re fighting fires...out there there’s meant to be four sergeants ... well two of our sergeants are in [name of custody suite] tonight so instead of four sergeants being there...we’re at fifty percent staffing and we’ve got four detention officers there and we should have seven (CO1).

Working with such reduced capacity not only makes operational duties more demanding, but also accentuates the importance of accessing appropriate adults for ‘vulnerable’ adults under their care. Custody officers operating within such an environment rely on Appropriate Adult services in order that ‘detainees’ are dealt with as quickly and efficiently as possible, whilst still meeting codes of practice for fair treatment and evidential requirements within their investigations.

Whilst satisfied with the professionalism and support provided by volunteer appropriate adults, custody officers were unanimous that the service should not be voluntarily provided but should be placed on a statutory footing in order to minimise distress and to uphold the rights of the individual.

I think it should be something that is provided and is part of statute... if we bring someone in we need to provide all the services to be able to deal with it (CO4).

In order to satisfy Articles 6 and 7 of the Human Rights Act, officers must ensure detention lasts for no longer than is necessary. Therefore, uncertainty regarding the provision of Appropriate Adult services undermines the fulfilment of this obligation. Such concerns regarding safeguarding the rights of vulnerable suspects are reflected in the following excerpts;

If we've got somebody in custody who is innocent for argument's sake...and they are here because somebody has identified them as being responsible for something...they have a right to be dealt with as soon as possible (CO5)

These people do have human rights and they've got a right to freedom of liberty, and it's been taken away from them, but you know, it's a limited right, it's a qualified right and we've got to make sure that we deal with it as quickly as possible and it's the least intrusive that we can actually do (CO4)

Therefore whilst officers agree that the responsibility for locating an Appropriate Adult is with the police organisation to uphold their duty of care, the responsibility for procuring and providing the service rested with social services, feasibly due to their historic responsibility for doing so. Officers therefore perceive the lack of provision as being the responsibility of the local authority: '...them [social services] not turning out...is a failure in their duty of care' (CO5); 'Social services ...aren't that helpful... you know so a lot of times you phone people and you get next to no help' (CO2).

Leaving aside financial constraints, placing responsibility on a particular local authority is problematic where a police force area covers several local authorities. This is because of a lack of agreement regarding who is obliged to respond, as indicated in the excerpts below:

You've got three different authorities and you're thinking who does what, and you lose track on who is supposed to do what and then.... you've got that cross border thing, so they were arrested in [names local authority] but the offence happened in [names local authority] and they'll fight each other about who's gonna come out...there's no uniformity between the authorities at all (CO6).

The precarious provision and response of appropriate adult services, in this police force area, to requests for service reflects concerns identified by Bath *et al* (2015) within 'There to Help'; responses are similarly 'patchy and ad-hoc' (Durcan *et al*, 2014:18) and incoherent, and do not sufficiently assure the welfare of the 'vulnerable' adult.

Within this context volunteer schemes offer a 'safety net', providing coverage across the region, meeting service user demand and therefore helping the police to fulfil their duty of care to vulnerable adults. The current reliance upon volunteers was conceived as the "new normal" (CO2), and a symptom of the "volunteer society" (CO5). When volunteers attend, they were perceived and experienced as being more motivated and committed to protecting the interests and responding to the needs of the individual than private or local authority providers, however, the insecure status of the local volunteering scheme and the lack of obligation within, provoked concern and anxiety amongst custody officers.

It's in law that we have to get one, so I think that there should be a statutory provision to provide it (CO8).



Although the volunteers are clearly very highly valued, it is described as being ‘disappointing as a country’ (CO7) that the provision of an essential social service is left to volunteers who have no obligation to attend. This insecurity of provision is a concern. When asked to identify who is responsible for providing Appropriate Adult services for ‘vulnerable’ adults the volunteers identified a range of perceived providers. This included the local police, the local authority, the Police and Crime Commissioner, volunteers, the National Appropriate Adult Network and private providers.

When asked to identify who they thought *should be* responsible for this provision, a similar range was again identified, including the police, local authority, the PCC, and volunteers, with the significant addition here by most of the volunteers of central government, and also the notable absence here of private providers. One stated that, in her opinion, ‘an appropriate adult should be a government requirement that is implemented in every police station’ (V1). Volunteers recognise that the police do have responsibilities in this respect, but that the responsibility may not fully lie with the police. One states, ‘as soon as someone is arrested, that person is covered by a duty of care by the police, and as such they [the police] should have some part in providing that’ (V2).

### **Vulnerability as a route to accessing resources and welfare**

‘Vulnerability’ ‘in the Criminal Justice System is constructed based upon perceived ‘inherent’ characteristics, or upon situational conditions (Dunn *et al*, 2008). As these can be variable over time there is ambiguity regarding identification of ‘vulnerability’ and the need for an Appropriate Adult (Dehaghani, 2016) and therefore the potential for inconsistency in the provision of support.

Inherent vulnerability is also useful to the neoliberal agenda as ‘presumed inherent

vulnerability can function as an excuse for failing to tackle structural vulnerabilities' (Brown, 2011: 318-19) or can otherwise deflect attention away from the situational and structural causes of vulnerability.

Identification as being 'vulnerable' can create an entitlement to support, however there is the need to balance this need against the disempowering nature of 'vulnerability' as a label. Volunteers identify a range of areas in which support may be needed. For example, 'helping to re-word something or knowing when time out is needed due to emotional stress' (V3). 'Help to understand questions/rights/entitlements...support to ensure they are treated correctly (V4), and 'help with understanding...documents, and the caution, and what the police are asking them. You might need to clarify . . . giving them a bit of extra time to answer . . .taking more time out so that they can understand what is being said...helping them to . . .understand, and that their rights are being upheld, and that they understand what their rights are' (V5).

'If a person suffers from a certain addiction, medication should be given and I think they should be monitored throughout their time in custody' (V1).

### De-institutionalisation and Austerity cuts to wider social provision

De-institutionalisation is perceived by Custody Officers to have had an impact upon the provision of service to people who are identified as being 'vulnerable':

I think that many of them that would have previously been, I mean, 10, 15 years ago would be in hospitals and wards and supported are being pushed back into mainstream society . . . they end up here because the support is not there (CO7).

Cummins suggests that 'one of the effects of de-institutionalisation has been to increase the contact between those with mental health problems and the Police and prison

systems’, and that ‘individuals are physically living in the community but are denied the opportunity to be active citizens’ (2010: 19).

Cummins focus is upon neo-liberal policies since the mid 70s. The effects are keenly felt, and indeed are exaggerated under the current austerity agenda, as there have been swathing cuts to several other areas of provision. One of the volunteers provides an example of this:

[The police] value our presence, as obviously due to austerity cuts to local government, duty social workers will no longer become involved (V2).

Under austerity there have been cuts to welfare provision, social provision and health provision, all of which have had a disproportionate impact upon the most vulnerable in our society, and which have created new, and exacerbated existing, mental health conditions. (McGrath, Griffin and Mundy, 2015). Appropriate Adults identify a broad range of issues that service users might experience, identifying social issues as well as ‘inherent’ characteristics as being courses of and consequences of ‘vulnerability’, thus demonstrating a much wider perception of ‘vulnerability’ than required to meet the implications of PACE (1984) code C. They identified issues including: ‘social exclusion, domestic abuse financial problems breakdown of family relations and other social welfare concerns. Suicide is a concern for some’ (V6). Appropriate Adults suggest that ‘often more help is needed for vulnerable people before and after custody’ (V3), they describe a lack of support in relation to wider services (V6, V1, V2) this can include, in addition to the above, information in relation to ‘their mental health or addictions’ (V1) ‘emergency accommodation’ (V2) health and medication (V2) addiction or mental health issues. (V1).

Volunteers expressed regret that there are limited services available to service users

and claim that they are often requested to help with issues beyond their scope because of gaps in provision, or difficulties with procuring an Appropriate Adult from other sources. This has included support to vulnerable witnesses and victims, juveniles, and in court. Ideally, for one of the volunteers, vulnerable people would be provided with a caseworker that knows them and their specific needs, ‘so that the support is consistent’ (V2).

### **Vulnerability as a mechanism of control and exclusion**

‘Vulnerability’ as a concept, and as a label, can also be understood to be problematic. It has been suggested, ‘we must recognise the deficit-orientated nature of the term and its link with stigma’ (Brown, 2011: 319). Vulnerability discourses are further problematised as deflecting blame from structural inequalities:

Although they help some individuals to avoid blame for their difficulties, vulnerability discourses emphasise personal reasons for difficulties experienced, diverting attention from structural issues. Within the context of neoliberal social policy, targeting resources at ‘the vulnerable’ unintentionally helps to justify overall reductions in entitlements to welfare and is part of the tapestry of increasingly selective welfare systems, which undermine universal citizenship rights (Brown, 2014: 51).

Wishart (2003) and Hollomotz (2009) describe this deflection of attention away from the structural causes of vulnerability as a product of the focus upon the individual, and their individual deficiency, and so the individual is problematised rather than the society. Vulnerability is seen to connote a tragic quality, a deficiency to be pitied (Wishart, 2003); it deflects attention away from the underlying generating mechanisms by which social exclusion is produced.

During the current austerity led lack of capacity, it appears that in relation to the provision of scarce resources, there is the perception of a hierarchy of vulnerability. 'Problematized' individual identities are seen as being less deserving of resources than other 'vulnerable' people (see also Green (2007), and Walklate (2011) who discuss hierarchies of vulnerability within victim populations). As one custody officer states:

'You go to the back of the queue, depending on if they are dealing with young children, you know, vulnerability, it has to be that way' (CO7).

It becomes acceptable in austere times to differentiate need based upon identity rather than level of need.

'In the age of austerity, it could also be the case that those vulnerable people whose behaviours are seen as more problematic might well be those who are less well served as provision is narrowed. In line with the contours of the rest of welfare provision in the UK, even vulnerability seems set to become increasingly conditional' (Brown, 2014: 52).

Victims who are 'vulnerable' can then be prioritised over offenders or suspected offenders who are 'vulnerable' in times when the allocation of resources are restricted due to scarcity. Drake and Henley (2013) critique the impacts of a dichotomous approach to victims and offenders and identify a clear anti-offender political rhetoric. Austerity cuts can make it acceptable then to prioritise the vulnerable victim of crime, but not the vulnerable offender, who although deserving, is now categorised as *less* deserving of the support of society. We are seeing a return to Victorian notions of the 'deserving' and 'undeserving' poor as were identified by Seebohm Rowntree in 1901.

In addition, according to Brown (2012; 48),

The increased use of the idea of ‘vulnerability’ in social policy under New Labour and the Coalition could be seen to be part of the trend towards the characterisation of welfare as a ‘gift’ rather than a ‘right’

Further, the phrase ‘Appropriate Adult’ and the requirement that one must be provided is loaded with connotations that the vulnerable adults are themselves not deemed ‘appropriate’ or are somehow not ‘adult’ enough. This represents a deficiency model and has clear implications for citizenship and rights; ‘according to the moral undertones in the ‘Big Society’, ‘the vulnerable’ citizen tends not seen as potential or actual contributors to shared public life’ (Brown, 2012: 48)

‘Vulnerable adults’ are generally referred to as ‘detainees’ in conversations with Custody Officers. This may suggest that the main concern of the custody officer is that the person is detained, and not whether they are ‘vulnerable’ or whether they are ‘appropriate’ or whether they are an ‘adult’. In this way, the custody officers do not contribute to narratives of vulnerability as deficit and cause for control and intervention. They focus upon the processes of detention, and were found to treat each person in detention as an individual with complex and intersectional needs, of which ‘vulnerability’ is only one aspect.

In the case of vulnerable adults in custody it is notable that no reference is made to any form of offender status such as criminal, offender, perpetrator, suspect or detainee by any of the volunteers – rather the service users are referred to as clients, service users, or just as ‘people’. Some talk of ‘vulnerable’ people, or ‘vulnerable’ adults. This reflects the NAAN standards that they adhere to, the training that they have received, the language in PACE (1984) and their own desire to support those people who are seen as ‘vulnerable.’ They are operating within, rather than actively producing, the neo-liberal ‘vulnerability’ discourse.

## Conclusion

There are clear tensions between upholding welfare and the procedural demands of policing, the strain between which is enhanced due to increased demands upon custody suites under austerity. The system as a whole is ‘under extraordinary and unprecedented financial pressure’ (Stevens, 2014: 62). Austerity creates mental health issues, which, coupled with deinstitutionalisation and cuts to wider support networks, have increased the pressure on resources.

The language used within the narratives of support and dependency under austerity mean that ‘vulnerability’ labels have complex impacts for individuals. “‘Vulnerability’ seems to be used to indicate risk posed *by* certain individuals as well as *to* them’ (Brown, 2011: 317).

‘Vulnerability’ highlights a person as being in need of support, and can therefore be used as a justification for resource. ‘Vulnerability’, and in particular the need for someone to act as your ‘Appropriate Adult’ can also be disempowering and has impacts for citizenship and rights within a neo-liberal discourse which values autonomy but sees dependency as problematic. There is a need to balance empowerment and support, perhaps by reframing of the narrative (Dunn *et al.*: 2008).

There is currently a ‘patchwork quilt’ of services for adults who have been labelled as vulnerable and who are in custody. The provision nationally is incoherent, insufficient and does not assure the welfare of the ‘vulnerable’ adult. In many areas there is no provision at all, and where there is provision it is unregulated, funding sources are diverse, and often reliant upon good will rather than statutory obligation for provision.

The neo-liberal agenda since the mid-1970s has meant that dependency is increased, whilst being simultaneously demonised. Despite a lack of statutory provision local authorities, private providers, volunteers, and Police and Crime Commissioners have

supported provision of services where possible. Austerity measures mean that their ability to breach this void is compromised. Despite the clear need to provide a coherent, effective and regulated service for ‘vulnerable adults’, this is unlikely to happen in the near future.

In the area in which this research took place there is a functional and operationally effective scheme, staffed by volunteers, that is highly valued by police officers. Despite being very positive about the volunteer Appropriate Adult service, police officers recognise the rights of their ‘detainees’, they reveal anxiety about the voluntary nature of provision, and express concern that the long-term future of the service is not assured.

The provision of a clear and consistent national service is urgently needed. Under austerity the needs of a problematised group have not been prioritised. It is time to rethink the nature of this problematisation, and for us all to recognise that the problem is social, it is structural, and its remedy urgently requires statutory implements and financial commitments to even begin to address the issue.

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