

Reflections on the Northumbria Local Appropriate Adult Scheme

UKRI Violence Abuse and Mental Health Network Conference 2023



How common is vulnerability?

Every year, 1 in 4 people will suffer in relation to their mental health. 1 in 6 will report this in a week (Mind, nd; Public Health England, 2017; Samaritans, 2019).

In the general United Kingdom population: -

- 17% of adults are experiencing a diagnosable mental health problem at any one time.
- 2%-3% of people are estimated to have a learning disability
- 4% have severe dyslexia
- 2% of men (and 0.3% of women) have an autistic spectrum condition

In comparison, studies have found that in police custody:

- 35% of people have problems that might interfere with their functioning or coping ability during police interviewing
- 38.7% have mental disorders including intellectual disability according to clinical interviews
- 23.5% have current symptoms of Attention Deficit Hyperactivity Disorder (ADHD)
- 7%-9% have intellectual disabilities (learning disabilities)

-Data has gaps and does not show an entirely clear snapshot.

Safeguarding Adults

- Definitions of vulnerability are highly contested (Gordon 2021).
 - Multidimensional term
- 'Vulnerable' populations are more likely to experience and progress through the criminal justice system (Cummings, 2011; Peay, 2013).
- Concerns around how such factors can impact justice within the criminal justice system:
 - stigma
 - access to support
 - interview process.
- **Appropriate Adults are required in law to support vulnerable people during the time that they are in custody, however, there is no statutory obligation on any single body to provide the service. As a result, the service provision in England and Wales is variously provided by private and third-sector organisations under a mixture of commissioning arrangements.**

Vulnerable Adults in Custody

- It is legally the custody officer's decision, so they cannot defer to anyone, including medical professionals. There is no need for a diagnosis.
- Technically speaking, if a suitably trained professional was able to categorically rule out mental vulnerability in a short space of time, and the officer therefore no longer suspected vulnerability, they would not need to call an AA.
- However, it should be borne in mind that many medical professionals in police custody are not qualified to diagnose (or rule out) mental ill health or disability.
- In respecting a professional's medical qualifications, police officers may not always recognise this fact. **The threshold is 'reason to suspect', not a diagnosis.**

Maxwell Confait

- Came to fruition after the 1972 murder of Maxwell/Michelle Confait.
- Three suspects, Ronald Leighton (15), Ahmet Salih (14) and Colin Latimore (18).
- Deliberation concerning the “**vulnerability**” of the three suspects; two of which were under the age of 18 and one who had an intellectual disability.
- **All of these aspects can impair judgement when making rational decisions meaning none of the suspects should have been interviewed without a support system in place.**
- These revelations lead to an initial appeal from all three suspects which were later refused by the Court of Appeal (Criminal Division) on 26th July 1973 (House of Commons, 1972).
- Under section 17(1) (a) of the Criminal Appeal Act 1968, a further appeal of the convictions occurred on 18th June 1975, **leading to the absolute discharge of all three boys and the quashing of the murder, manslaughter and arson verdicts.**



The emergence of the AA role

- As a result of the questioning of police procedures and the subsequent anxiety from the public concerning the handling of the Maxwell Confait case, the implementation of the Police and Criminal Evidence Act (1984) - (PACE) as well as an accompanying code of practice soon occurred.
- The principal aim of (PACE) was to reduce the risk of miscarriages of justice within the (CJS) of England and Wales as a result of ‘evidence being obtained from vulnerable suspects which, by virtue of their vulnerability, led to unsafe and unjust convictions’ (National Appropriate Adult Network, 2022).
- This is also where the role of the (AA) emerged, so those considered vulnerable had a support and safe guarding system when in police custody (National Appropriate Adult Network, 2022).
- ‘When a vulnerable adult is in police custody, they should have someone with them to help them understand what is happening’ (Jessiman and Cameron, 2017: 246).
- Therefore, Code C ‘provides for the provision of Appropriate Adults to support vulnerable adults who have been detained in police custody’ (Cosgrove and Peacock, 2017).

ACCORDING TO PACE CODE OF PRACTICE C. PARAGRAPH 1.7

“The role of the appropriate adult is to safeguard the rights, entitlements and welfare of juveniles and vulnerable persons.....to whom the provisions of this and any other Code of Practice apply.

Appropriate Adults

- For this reason, the appropriate adult is expected, amongst other things, to:
- Support, advise and assist them when, in accordance with this Code or any other Code of Practice, they are given or asked to provide information or participate in any procedure;
- Observe whether the police are acting **properly and fairly to respect their rights and entitlements**, and inform an officer of the rank of inspector or above if they consider that they are not;
- Assist them to communicate with the police whilst respecting their right to say nothing unless they want to as set out in the terms of the caution;
- Help them to understand their rights and ensure that those rights are protected and respected.

National Appropriate Adult Network:

- Registered charity governed by a board elected by AA schemes.
- "Working to create a fairer justice system for children and vulnerable adults by maximizing the effectiveness of the appropriate adult safeguard (NAAN, nd).
- Provides and publishes national standards to inform accountable bodies on best practice.
- Provides training and qualifications.
- Provides training resources and a space for AA scheme managers across the UK to feedback and collaborate on practice and barriers in practice.

(National Appropriate Adult Network, n.d, 2022; 2023)

Northumbria Local Appropriate Adult Scheme



- Launched in 2015 **in partnership** with the Police and Crime Commissioner and Northumbria Police.
- Aim: To address a gap in safeguarding provisions for vulnerable adults in custody.
- The NLAAS scheme is the **first of its kind** in England and allows students from the University of Sunderland to volunteer as ‘appropriate adults.’
- **Volunteer-led** | Managed by two members of UoS academic staff.
- Co-located within Forthbanks Police Station.
- **Independent scheme.**
- Members of the National Appropriate Adult Network.

Impact

- Forces in the North of England have been identified to utilise AA services more so than other police forces (Farrugia, 2021).
- Students gaining bespoke experience in volunteering and management of orgs in criminal justice which will feed into future support.
- Knowledge exchange with local and neighboring organizations to share resources and reflect on practice.
- Development of community resource and personnel skills.

Barriers

- Coverage / Availability
- Definitions of vulnerability
- Awareness of scheme within differing shift patterns
- Awareness of the scheme to the wider public.
- Risk Assessment barriers
- Reactive area of practice
- Patchwork services in CJS (Eliasoph, 2013; Hucklesby and Corcoran, 2016)

Reflections on Scheme Management

- Recruitment
 - Training (National Standards)
 - Covers:
 - People and procedures in custody
 - Effective communication (verbal and nonverbal)
 - Ensuring the rights of a detainee
 - Mental Health and Vulnerability
 - Health and Safety
 - History and Rights of an AA
- Co-constructed approach to the scheme's day-to-day operations.
- Knowledge exchange
- Annual Evaluations
- Monthly Feedback
- Ongoing checks and liaising with fellow schemes and NAAN.

Reflections "Who is appropriate/vulnerable?"

- The term appropriate is defined as an individual who is calming, confident, caring, professional, and knowledgeable (Jessiman and Cameron, 2017).
- Vulnerability, especially within the CJS, is constructed based on situational conditions and/or inherent characteristics (Dunn, et al: 2008).
- However, these characteristics constantly vary and change over time, meaning that inconstancy in defining the term occurs, resulting in an impact upon adequate support to those that require it (Dehaghani, 2016).
- Being identified as appropriate or vulnerable can then result in either positive or negative associations concerning aspects such as support.
- This can also lead to power discourses within the police custody suite - power constructs aspects such as hierarchy and organisation by constructing truths and discourses, imposing order and discipline, by determining human subjectivities and desires (Foucault, 1980).

Service User Participation:

- There has been a growing interest in SUP in research, as well as research studies led by service users, who are considered 'vulnerable' i.e., have physical or mental disabilities (MacDonald and Taylor-Gooby 2014; MacDonald et al., 2020).
- While SUP is strongly recognised within disability rights, this does not correlate into practice within the CJS and with young people or adults with identified 'vulnerability' (Oliver 1996; Bradley 2009; Buck et al, 2020)
- Social and healthcare services, particularly the NHS, have utilised SUP and considered it a success, as the involvement of SU has allowed for a partnership that has improved individual and community health services, from the perspective of both patients and professionals (Platt and Staniszewska 2011; MacDonald and Taylor Gooby, 2014)
- The same should be applied to NAAN, considering aspects such as information provision and communication within the CJS, can be highly problematic for young people and adults with learning disabilities and difficulties (Dehaghani 2016; Parsons and Sherwood, 2016; Jessiman and Cameron 2017)

Service User Participation:

- SU voices therefore, must be incorporated to develop a service which protects the rights of these individuals and avoids any miscarriages of justice (Dehaghani 2016; Jessiman and Cameron 2017; MacDonald et al., 2020).
- In a study conducted by MacDonald et al. (2020), statistics showed 72.7% of AA schemes, did not involve vulnerable SU in any capacity, with only 9% reporting actively involving vulnerable SU within the design and development of training for AA practitioners
- It is widely argued that disabled/vulnerable people should be educators concerning disability rights, or at the very least active partners within education and professional training, therefore these statistics highlight exactly why it is essential SU are involved in NAAN and the design and development of training AA volunteers given the significant lack of reported SUP (Gillespie and Campbell 1991; Barnes 2012; Callus and Zahra 2017; Richards 2018)

Overall Reflections/Future Implications

- There should be a review of the language used within PACE concerning the use of terminology such as appropriate, vulnerable, responsible, suitable etc. This is to ensure adequate support is given where needed and the elimination of any power dynamics within the police custody environment.
- SUP should be incorporated into NAAN to allow for services users voices to be heard, which will enable better information and communication provisions and reduce possible miscarriages of justice, creating a fairer and equal CJS.
- Co-constructed practice
- NLAAS to liaise with the University of Sunderland teams in relation to inclusive practice.
- Ongoing training and training recaps required
- Ongoing whistleblowing where necessary.

Bibliography

- Bradley, L. K. 2009. *The Bradley Report: Lord Bradley's Review of People with Mental Health Problems or Learning Disabilities in the Criminal Justice System*. London: DH Publications
- Buck, G., Harriott, P., Ryan, K., Ryan, N., & Tomczak, P. (2020). All our justice: people with convictions and 'participatory' criminal justice. In *The Routledge Handbook of Service User Involvement in Human Services Research and Education* (pp. 285-295). Routledge.
- Callus, A. M., and A. Camilleri-Zahra. 2017. "Nothing about Us without Us': Disabled People Determining Their Human Rights through the UNCRPD." *Mediterranean Review of Human Rights* 1: 1–26
- Cleaver, E. (2018) *Teaching and learning in higher education: disciplinary approaches to educational enquiry*. Second edition. Washington, D.C: SAGE Publications Ltd.
- Cummins, I. (2011) 'The Other Side of Silence': The Role of the Appropriate Adult Post Bradley. *Ethics and Social Welfare*, 5(3), 306–312.
- Dehaghani, R. 2016. "He's Just Not That Vulnerable': Exploring the Implementation of the Appropriate Adult Safeguarding Police Custody." *The Howard Journal of Crime and Justice* 55 (4): 396–413
- Dunn, M.C., Clare, I.C.H., Holland, A.J. (2008) 'To empower or to protect? Constructing the 'vulnerable adult' in English law and public policy' in *Legal Studies* 28(2) June 2008, pp. 234– 253.
- Eliasoph, N. (2013). *The politics of volunteering*. Cambridge, UK: Polity Press
- Farrugia, L. (2021) "Identifying vulnerability in police custody: Making sense of information provided to custody officers," *Journal of Forensic and Legal Medicine*, 80, p. 102169. Available at: <https://doi.org/10.1016/j.jflm.2021.102169>.
- Foucault, M. (1980) *Power/Knowledge*. Brighton: Harvester.
- Gillespie-Sells, K., and J. Campbell. 1991. *Disability Equality Training Trainers Guide*. London: Central Council for Education and Training in Social Work.
- Gordon, F. (2021). *Young people, policing and vulnerability*. In N. L. Asquith & I. Bartkowiak Theron (Eds.), *Policing practices and vulnerable people*. Palgrave Macmillan.

Herrington, V. and Roberts, K. (2012) ,‘Addressing Psychological Vulnerability in the Police Suspect Interview’ Advance Access publication: 12 January 2012, Policing, 6(2), 177–186.

Home Office (2017) Code of Practice for the detention, treatment and questioning of persons by Police Officers. London: TSO.

Independent Custody Visitors. (n.d.). Retrieved April 11, 2023, from <https://www.leics.pcc.police.uk/Take-Part/Independent-Custody-Visitors/Independent-Custody-Visitors.aspx>

Jessiman, T., and A. Cameron. 2017. “The Role of the Appropriate Adult in Supporting Vulnerable Adults in Custody: Comparing the Perspectives of Service Users and Service Providers.” *British Journal of Learning Disabilities* 45 (4): 246–252.

Macdonald, S. J., and D. Taylor-Gooby. 2014. “Patient Zero’: A Critical Investigation into the Concept of Public and Patient ‘Involvement’ in the NHS?” *Social Work and Social Sciences Review* 17 (1): 5–104

McKinnon, I. G., Thomas, S. D., Noga, H. L., & Senior, J. (2016). Police custody health care: a review of health morbidity, models of care and innovations within police custody in the UK, with international comparisons. *Risk management and healthcare policy*, 9, 213.

McKinnon, I., & Grubin, D. (2010). Health screening in police custody. *Journal of Forensic and Legal Medicine*, 17(4), 209–212.
<https://doi.org/10.1016/J.JFLM.2010.02.004>

National Appropriate Adult Network (2022). Annual Report 2021|22. Kent: National Appropriate Adult Network.

National Appropriate Adult Network. (n.d.). Retrieved April 08, 2023, from <https://www.appropriateadult.org.uk/>

Oliver, M. (1996). The social model in context. In *Understanding disability* (pp. 30-42). Palgrave, London.

Parsons, S., and G. Sherwood. 2016. “Vulnerability in Custody: Perceptions and Practices of Police Officers and Criminal Justice Professionals in Meeting the Communication Needs of Offenders with Learning Disabilities and Learning Difficulties.” *Disability & Society* 31 (4): 553–572

Peacock, D. and Cosgrove, C. (2018) 'The "New Normal": Framing Vulnerability, Entitlement and Responsibility in Police Custody in Austere Times' in Rushton, P. and Donovan, C. (eds) *Austerity: A Bad Idea in Practice* GB: Palgrave

Peay, J., (2013). Detain–restrain–control: sliding scale or slippery slope?. In *Crime, Social Control and Human Rights* (pp. 254-265). Willan.

Platt, M. and Staniszewska. S. 2011. Nurses' role in liaising between patients and service providers. *Nursing Management*, 18 (4): 24–34

Public Health England (2017), [Better mental health: JSNA toolkit: 2. Mental health: Environmental factors.](#)

[Reveley, S, Connelly, S](#) and [Peacock, D](#) (2021) [Northumbria Local Appropriate Adult Scheme Annual Evaluation 2021.](#) Other. Office of the Police and Crime Commissioner for Northumbria, Newcastle. (Submitted)

Richards, L., B. Williams, P. Przybylak, and S. Flynn. 2018. "The Experiences of People with Learning Disabilities in Co-Produced Challenging Behaviour Training." *Learning Disability Practice* 21 (4): 28–35.

Samaritans (2019), [Samaritans Suicide Statistics Report.](#)