

Appropriate Adult

For an adult detainee with mental health issues or a learning disability, an “appropriate adult” may be:

- A relative, guardian or other person responsible for his or her care or custody.
- A person who has experience of dealing with mentally disordered or mentally handicapped people, but is not a Police Officer or employed by the Police, such as an Approved Social Worker or a Specialist Social Worker.¹
- Failing either of the above, some other responsible adult aged 18 years or over who is not a Police Officer or employed by the Police.

Note: An adult with experience may be better than an inexperienced relative, but the wishes of the person detained must be taken into account. If they say that a particular person should or should not be with them, then those wishes should be respected if practicable.

A solicitor who is acting in that capacity may not be an appropriate adult. The detainee must be allowed to see a solicitor in private, that is without the appropriate adult, if they so wish.

Duties of the Appropriate Adult (AA)

General

- To attend the Police Station and establish the grounds of detention and the whereabouts of the detained person.
- To ensure, where the person has been detained under the Mental Health Act, that an ASW and a Registered Medical Practitioner are called to interview and examine him or her, and make suitable arrangements for their treatment and care. Once this has happened, the person should be released.
- To hear the detainee being informed of their rights.
- To consider whether legal advice is required, and if so, that it is obtained.
- If the detainee cannot read (for whatever reason), to help with any documentation. The AA may sign to signify the person’s consent, so long as it is genuine.
- To check the record of what has happened to any property of the detainee that has been removed, and the reasons for removing it.
- To ensure that the arrested person has had one other person (or up to two alternatives) informed of his or her whereabouts.
- To complain (if necessary) about any aspect of the detainee’s treatment since arrest. Any complaint should be recorded and referred to a senior officer.

¹ Note that the person does not have to be a qualified Social Worker so long as they have the relevant experience

- To consider the detainee's physical condition, including requirements for medication, and whether a Police Surgeon should be called. Medication should generally be administered under the personal supervision of a Police Surgeon.

At Police Interviews

- To be present when a caution ² is given (and if not, it should be repeated in their presence) and to ensure that the interviewee understands it and that it is recorded.
- To advise the interviewee during the interview and to consider whether the interview is being conducted properly and fairly, without being oppressive, and that proper breaks are taken.
- If required, to aid communication with the interviewee. People who are deaf or have a speaking disability should have an interpreter.
- To receive any notice of charge on behalf of a mentally disordered person.
- To attend intimate ³ or strip searches⁴, or ensure that any other person that the person being searched wants to be there, can attend.

Planning and Conducting the Interview(s)

Note: If there is a possibility of criminal proceedings the Police will direct any disclosure interviews(s).

Because of the dual nature of safeguarding adults investigations, a social worker should always be present at the interview. There are two procedures, one for victims and one for suspects (even when suspects are themselves vulnerable).

Practice Guidelines for All Interviews not Involving the Police

Planning the Interview

Interviewers must have received appropriate training.

The interview needs to be planned and a record made of the plan.

Before the interview, you need to think about:

- The Person
 - The vulnerable adult's right to self-determination. They must be consulted at every stage.
 - The available options should be put to the adult for consideration.
 - Know something about the person's history.

² The caution should be in this form: "You do not have to say anything. But it may harm your defence if you do not mention when questioned something you later rely on in court. Anything you do say may be given in evidence."

³ An intimate search is a physical examination of a body orifice other than the mouth.

⁴ A strip search involves the removal of more than just the outer layer of clothing.

- Check if the person has a sensory impairment (if this is not already known).
- Establish if spoken English is their first language.
- Establish if the person can communicate without specific assistance.
- Always watch for signs of discomfort or distress.
- Preparing the Person

Note: Preparing does not mean coaching, that is, telling someone what to say.

- The vulnerable adult should be told the purpose of the interview.
- The interviewer(s) should introduce themselves and colleague(s) fully and clearly.
- State who you are and where you are from.
- Show your identity card.
- Speak clearly.
- Be honest and up-front - abused people have spoken about "*feeling tricked*" as Investigating Officers have engaged in general conversation and then suddenly gone into very direct questioning about alleged abuse (Pritchard, J. 1999).
- Explain the boundaries of **confidentiality**. This should be done at the outset of any investigation.
- The issue of **confidentiality** should be borne in mind throughout an interview as the person may disclose incidents of abuse other than those being investigated.
- They should know who will be present at the interview.
- They should be taken to the interview venue if it is in an unfamiliar setting.
- **Communication**
 - It is **essential** to gain an understanding of how the person communicates.
 - It may be appropriate for the interview to be facilitated by someone who knows the person well.
 - It should not be assumed that a family member, carer would be the most appropriate person to facilitate the meeting. It can be distressing and embarrassing to discuss details of the abuse that has occurred with family members and/or carers present.
 - **The investigating officer(s) would need to be satisfied that the facilitator was not involved directly with the situation.**
 - Establish if there is a need for translation/interpretation/ communication boards/a sign language interpreter/Makaton. **If so, who will be responsible for organising these things?**

- In some instances, a speech and language therapist may be able to assist in assessment/communication.
- Someone will need to take responsibility for organising transport for the vulnerable adult.
- The building needs to be accessible.
- The room needs to be comfortable.
- An interview room may not always be the most appropriate setting. **If it has been decided that audio/visual recording will be used, this will take precedence.**
- Responsibility needs to be taken for checking any equipment to be used.
- If the vulnerable adult has sensory impairment(s) adjustable lighting and a loop system may be necessary.
- The position of the seating should allow direct eye contact to be made between all those present at the interview.

The Interview(s)

General Issues

- It must be decided in advance, amongst all participants, how long the interview will last and how many breaks there will be.
- Always interview in private.
- Create an atmosphere in which the person can relax.
- Always proceed at the person's pace.
- The more clearly the account is seen to be in the person's words the more compelling and reliable it will be - **do not put words into the person's mouth.**
- Notice non-verbal signals such as facial expressions, gestures, body language, fidgeting, tense posture, and poor eye contact.

Preparing Yourself

- Be respectful towards the person.
- Speak in a clear, neutral tone of voice.
- Logic and reasoning may not always work.
- Always speak directly to the person and not to the interpreter/supporter or advocate who may be present.
- Remember the person may have low self-confidence and poor self-esteem.

- Ensure a non-judgmental attitude.

Listening to the Person

- Be aware of similar themes.
- Look for repetition of words or phrases.
- The information may be disjointed.
- Repeat the person's answers to aid recall and to allow them to confirm (or correct) their initial response.

Interviewing Skills

- Speak to the person as an adult.
- Ensure you have the person's attention.
- Use their/your name.
- Speak slowly and clearly.
- Use short sentences.
- Avoid abstract ideas.
- Avoid comparative/either/or questions.
- Break interview into small slots.
- Do not ask more than one question at a time.
- Do not incorporate more than one idea per question.
- Use statements.
- Avoid jargon.
- Do not ask open-ended questions.
- Summarise what has been understood.
- Do not ask 'why' questions, ask instead who, what, where, when.
- Stick to the issues.
- Give one piece of information at a time.

After the Interview(s)

It is important that the vulnerable adult is supported throughout the investigation and interview stages. However, it is **essential** that they be supported after the investigation. The most

appropriate person to provide support should be decided at the Strategy Meeting or Case Conference (needs an identified individual to do this).

It is essential that the vulnerable adult is involved as much as possible in the subsequent decision making process.

If the investigation leads to criminal proceedings the vulnerable adult will need to be informed at each stage as to what will happen next.

The vulnerable adult will still need support even if there is no further action in terms of the perpetrator.

Whatever the outcome of the investigation, the vulnerable adult's wishes must be taken into account.

The vulnerable adult may experience feelings of:

- Powerlessness.
- Self-blame.
- Guilt.
- Fear.
- Depression.
- Low self-esteem.
- Anger.
- An inability to trust.

The Safeguarding Adults Plan must address the issue of ongoing support.