

## Success Starts Here Free Information Guide

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# Criminal Law & Fraud



Whenever a juvenile is detained in police custody an 'appropriate adult' will be called. This guide explains who the 'appropriate adult' may be, their role and responsibilities.

### Who will be considered an Appropriate Adult?

The police will initially ask the detainee's parent or guardian to act as appropriate adult. Where the juvenile is in care, a representative from the relevant local authority will be asked.

If no parent, guardian or local authority representative is available, the police will ask a social worker from the local authority to act as the appropriate adult.

If a social worker is unavailable the police should ask a responsible adult who is aged 18 or over. This person must be entirely independent from the police. For example, a grandparent or other relative might be suitable.

### What is the role of the Appropriate Adult?

The main role of the appropriate adult is to ensure that the detained person understands what is happening to them and why. The key responsibilities of the appropriate adult are to:

- support, advise and assist the detained person
- observe whether the police are acting properly, fairly and with respect for the rights of the detained person
- assist with communication between the detained person and the police, and
- ensure that the detained person understands their rights

It is not the role of the appropriate adult to help the police. Neither is it their role to give legal advice.

### What rights does the Appropriate Adult have?

In order to help the Appropriate Adult to ensure the police are acting properly the appropriate adult will have a number of rights, including:

- the right to be told why the detainee is being detained
- the right, to speak to the detainee in private at any time
- the right to inspect the detainee's custody record (the written record of events during detention) at any time

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Perhaps most importantly, the appropriate adult has the right to intervene in an interview if they feel it is necessary. This might be the case if it appears that the detainee is having difficulty understanding questions or is not able to communicate his answers. However, the appropriate adult must not answer questions on behalf of the suspect.

## Confidentiality and Legal Privilege

A solicitor owes their client a duty of confidentiality. This means that, except in exceptional circumstances, they can not reveal what their client says to them to anyone else without their client's permission. An appropriate adult does not have the same duty. Although they can agree that they will be bound by confidentiality, there is nothing to prevent them later changing their mind and disclosing to someone else what has been said to them by the detainee.

Communications between a solicitor and their client are also covered by something called legal professional privilege. This means that these communications are private and cannot be referred to within any legal proceedings. Legal professional privilege does not apply to conversations between appropriate adults and the detainee.

To avoid the potential problems that this might create, the rules allow a detainee to have the opportunity to consult with his solicitor in the absence of the appropriate adult.

## Useful links

Home Office Guidance for Appropriate Adults  
<http://www.homeoffice.gov.uk/publications/police/operational-policing/appropriate-adults-guide>

## I require further advice. What should I do?

If you require assistance in relation to advice in the Police Station, or if you are a concerned parent, please contact Miriam Andrews for more information on +44 (0)20 7091 2715 or at [miriam.andrews@fishermeredith.co.uk](mailto:miriam.andrews@fishermeredith.co.uk).

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