



# A Night in the Cells

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Children in police custody and the provision of non-familial appropriate adults

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## A. Background

While the numbers have fallen sharply in recent years, more than 83,000 children<sup>1</sup> aged 10 – 17 years continue to be arrested and held in detention at the police station in England each year.<sup>2</sup> Although ten is the legal minimum age at which an arrest can be made, latest figures indicate that in the year ending March 2016, 90 children below that age were subject to arrest before the police determined that they were too young to be held criminally liable.<sup>3</sup>

Children in police custody are extremely vulnerable for a range of reasons. The environment is one intended for adult offenders and is unsuited to meet the very different needs of children who come to police attention.<sup>4</sup> Children experience time differently from adults, and the, sometimes lengthy, periods spent in a police cell will feel considerably longer for those who are younger.<sup>5</sup> Importantly, there is considerable evidence that children who come to the attention of the youth justice system have disproportionate experiences of various forms of disadvantage and by this measure are more vulnerable than the general population.<sup>6</sup> Finally, research confirms that children are more suggestible than adults, and more likely to admit to acts which they have not committed.<sup>7</sup> The Code of Practice associated with the Police and Criminal Evidence Act 1984 (PACE), which governs the treatment of suspects in police detention, acknowledges that children may be *'particularly prone in certain circumstances to provide information that may be unreliable, misleading or self-incriminating'*.<sup>8</sup>

For such reasons, Her Majesty's Inspectorate of Probation has termed children in police detention as *'the most vulnerable of the vulnerable and least able to represent their own interests'*.<sup>9</sup>

Police stations rarely have dedicated provision that allows children to be held in a distinct environment from that for adults, but the legislative framework does recognise the particular vulnerabilities of young suspects. PACE requires that, wherever a child is arrested, the police should inform an 'appropriate adult' (AA) and request that they attend the police station to see the detainee. Until 2013, the requirement for the police to ensure the attendance of an AA applied to children aged 16 years or younger but, in that year, the duty was extended to encompass 17 year-olds. In the majority of cases, the child's parent or carer will act as the AA but, where such family members are unable or unwilling to attend, or are precluded from acting in that capacity,

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<sup>1</sup> Statistics on arrest actually denote episodes so some children may appear in the figures more than once

<sup>2</sup> Youth Justice Board (2017) *Youth Justice Statistics 2015/16 - England and Wales*. London: Ministry of Justice

<sup>3</sup> Ibid. There is no published breakdown of the ages of children arrested between the ages of 10 and 17 years

<sup>4</sup> Her Majesty's Inspectorate of Constabulary (2015) *The welfare of vulnerable people in police custody*. London: HMIC

<sup>5</sup> Wittmann, M and Lehnhoff, S (2005) 'Age effects in perception of time' in *Psychological reports* 97(3):921-35

<sup>6</sup> White, R and Cunneen, C (2015) 'Social class, youth crime and youth justice' in Goldson, B and Muncie, J (eds) *Youth crime and justice* 2<sup>nd</sup> edition. London: Sage

<sup>7</sup> Redlich, A and Goodman, G (2003) 'Taking responsibility for an act not committed: the influence of and suggestibility' in *Law and Human Behaviour* 27 (2) 141 - 156

<sup>8</sup> Home Office (2014) Revised Code of Practice for the detention, treatment and questioning of persons by police officers. Police and Criminal Evidence Act 1984 (PACE) – Code C. London: Home Office

<sup>9</sup> Her Majesty's Inspectorate of Probation (2011) *Who's looking out for the children? A joint inspection of Appropriate Adult provision and children in detention after charge*. London: HMIP

a range of other persons may act in this role.<sup>10</sup> The Crime and Disorder Act 1998 places a duty on the local authority, in conjunction with a range of statutory partners, to ensure provision of persons to perform the role of a non-familial AA where this is required. Such provision may be delivered in a variety of ways including: a service provided in-house using either paid staff or volunteers; a commissioned out service either through the private sector or not-for-profit providers.

The legislation also recognises that wherever possible children should not remain in police cells overnight. Where children are refused bail after having been charged, there is a statutory requirement that, other than in exceptional circumstances, they are transferred to local authority accommodation pending their court appearance, rather than detained at the police station.

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<sup>10</sup> Family members are disqualified from acting as an AA if they are suspected of involvement in the offence or are a victim of, or witness, to the offence. They are also precluded from the role if the child has admitted the offence to them prior to them attending the police station to act as AA.

## B. The role of the appropriate adult

The PACE Code of Practice C clarifies that when a child is in police detention, they can consult with the AA, in private, at any time. The Code details a number of points in the process where the presence of an AA is required, including:

- the giving of rights and the caution in relation to the right to silence;
- where the child is subject to a strip search;
- the interview;
- at reviews of detention;
- during fingerprinting or the taking of DNA samples; and wherever possible
- the point of charge or other police disposal.

The Code also describes the AA's role during the interview as being not simply to observe but to advise the child, to facilitate communication and to ensure that the interview '*is being conducted properly and fairly*'. Outside of the interview, the AA's duties include the giving of advice and assistance to the child.<sup>11</sup>

The Crime and Disorder Act defines the role of the appropriate adult as being to '*safeguard the interests of children and young persons detained or questioned by police officers*'. Her Majesty's Inspectorate of Constabulary describes the AA as: '*an individual whose role is to safeguard the welfare and rights of children ... detained or interviewed by the police*'.<sup>12</sup> The National Appropriate Adult Network National Standards, which although not mandatory are approved by the Home Office and the Department of Health, explain that '*the AA role is to support children ... during their detention not just during the interview*'.<sup>13</sup>

It is clear then that the AA function is intended to provide an important protection for children throughout the time they are in police custody. The role takes on an additional importance where children are provided with a non-familial AA since vulnerability is likely to be exacerbated in cases where the child does not have the benefit of support from a family member or someone else close to them.<sup>14</sup> One of the expectations against which police custody is inspected is that '*there are no delays in securing an appropriate adult and they are available 24 hours a day*'.<sup>15</sup>

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<sup>11</sup> Home Office (2014) *op cit*

<sup>12</sup> HMI Constabulary (2015) *op cit*

<sup>13</sup> National Appropriate Adult Network (2013) *National Standards*. London: NAAN

<sup>14</sup> Nacro (2003) *Acting as an appropriate adult: a good practice guide*. London: Nacro

<sup>15</sup> <https://www.justiceinspectorates.gov.uk/hmic/our-work/joint-inspections/joint-inspection-of-police-custody-facilities/>

## C. Reasons for concern

Little is known about the experiences of children in police detention or the extent to which appropriate adult provision is effective in mitigating against vulnerability. The limited information that is available provides grounds for concern.

The recent Review of Youth Justice undertaken for the Ministry of Justice suggests that the AA role is '*ill understood and variably exercised*'.<sup>16</sup> Research conducted in 2008, exploring the provision of volunteer AAs in one area concluded that just over half of AAs were contacted within two hours of the young suspect's arrest and that they tended to arrive within a further two hours of the referral.<sup>17</sup> More recent studies have suggested that more extensive delays may not be uncommon. A thematic inspection conducted by Her Majesty's Inspectorate of Constabulary noted that: AAs were not always present for procedures as required; the provision was rarely available on a 24 hour basis; and children waited, on average, five and half hours for the appropriate adult to arrive. The inspection raised the prospect that delays in the provision of AAs was one of the factors contributing to children being detained for unnecessarily long periods.<sup>18</sup> This suggestion is consistent with research conducted three years after the implementation of PACE which found that delays associated with the obligation to secure the attendance of an AA had had the unintended consequence of increasing the duration of children's detention.<sup>19</sup>

The extent to which the provision of non-familial AAs adequately protects children in police custody was questioned by a thematic exploration of the provision of AAs by youth offending teams published in 2011. This concluded that the role had '*evolved into another part of the custody process*', with a focus on complying with the letter of the legislation rather than safeguarding and promoting children's welfare.<sup>20</sup>

Although exact data are difficult to come by, there is also evidence that the legal requirement to transfer children who are refused bail after charge to local authority accommodation is rarely complied with. Of 636 cases examined by Her Majesty's Inspectorate of Constabulary involving such children, just one had resulted in a confirmed transfer.<sup>21</sup>

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<sup>16</sup> Taylor, C (2016) *Review of the youth justice system in England and Wales*. London: Ministry of Justice

<sup>17</sup> Pierpoint, H (2008) 'Quickening the PACE? The use of volunteers as appropriate adults in England and Wales' in *Policing and Society* 18(4): 397-410

<sup>18</sup> HMI Constabulary (2015) *op cit*

<sup>19</sup> Maguire, M (1998) 'Effects of the PACE provisions on detention and questioning' in *British Journal of Criminology* 28(1): 19-43

<sup>20</sup> HMI Probation (2011) *op cit*

<sup>21</sup> HMI Constabulary (2015) *op cit*. See also Bateman, T (2013) *op cit*; Kemp, V and Hodgson, J (2016) 'England and Wales: Empirical findings' in M. Vanderhallen, M et al (eds) *Interrogating young suspects: procedural safeguards from an empirical perspective*. Intersentia: Cambridge, 45-46; Skinns, L (2011) *The overnight detention of children in police cells*. London: Howard League for Penal Reform).

## D. The focus of the study

In the light of the above concerns, the Children's Commissioner for England has undertaken research on the provision of non-familial appropriate adults by local authorities, to ascertain:

- the nature of non-familial AA provision;
- how the AA role is understood by the police and those providing the service;
- the extent of delay in referral for an AA;
- AA response times;
- the reasons for delay;
- the implications for the level of support that children experience while in detention;
- how children experience their time in police custody;
- other factors influencing the period that children spend at the police station; and
- the extent to which children who are refused bail after charge are transferred to local authority accommodation.

## E. Methodology

The project consisted of a number of distinct elements and adopted a mixed methods approach. This included: a survey of all youth offending teams (YOTs) in England; qualitative interviews with professionals and children; and casefile analysis of custody records.

### 1. Data collection exercise

An extensive data collection exercise was undertaken using the Children Commissioner's statutory powers under the Children and Families Act 2014. The request for information was sent to all youth offending teams in England who have a duty under the Crime and Disorder Act 1998 to co-ordinate the provision of AA services where parents or guardians are not available to act in that capacity.

The data request comprised two distinct elements:

a) A questionnaire / survey (attached as Appendix C)

This consisted of largely closed questions with potential for the provision of additional free text information. The questionnaire sought information on:

- How AA services are provided and the extent of coverage
- Referral mechanisms
- Procedures relating to the provision of AAs and
- Understanding of the AA role.

b) Request for case level data

YOTs were asked to provide anonymised, individual level information on all children entering police custody between 1st April 2015 and 31st March 2016 including:

- Basic demographic data
- Time of arrest
- Whether the AA was familial or non-familial
- Intervals between arrest, referral for AA, arrival of AA and release
- Outcome of the detention episode, including whether children who were refused bail following charge were transferred to local authority accommodation.

### *Sample and response rates*

The data request was sent to 140 YOTs and, as indicated in table 1 a total of 102 returns were received, an overall response rate of 73%. The response rate also varied considerably by region / regional grouping, from 57% to 85%. As noted in table 1, according to Youth Justice Board annual statistics, London accounts for more than a quarter of all children's arrests and the capital attracted one of the lowest response rates to the data request, although still over 60%. Conversely, a further quarter of arrests occurred in the South East and Eastern regions, which achieved the second highest response rate.

In these circumstances, while there is no reason to suppose that the returns are not representative of the wider picture, it is important to acknowledge that any conclusions drawn from the data may not apply to all areas.

### **Table 1**

**Data request: YOTs providing a response to the data request by regional groupings**

Region	Total YOTs	% of child arrests <sup>22</sup>	YOTs responding	Response rate	% of total responses
London	31	26%	19	61%	19%
Midlands	19	14%	13	68%	13%
NE/Yorks/Hum	26	15%	22	85%	22%
North West	21	15%	16	76%	16%
SE and Eastern	29	24%	24	83%	24%
South West	14	6%	8	57%	8%
<b>TOTAL</b>	<b>140</b>	<b>100%</b>	<b>102</b>	<b>73%</b>	<b>100%</b>

All YOTs responding to the data request completed the questionnaire/ survey but case level data were not always provided or were provided in aggregate form that did not permit analysis. As shown in table 2, 64 of the 102 YOTs (63%) responding to the data request included at least some case level information that could be analysed – equivalent to just under half of the total number of potential returns (46%). Nonetheless, some information was provided on 13,348 cases, equivalent to 16% children arrested during that year.

**Table 2**  
Case level information – returns submitted in analysable form

Region	Total no. YOTs in region	YOTs providing analysable case level data		
		Number of YOTs	As % of YOTs that responded	As % of all YOTs in region
<b>London</b>	31	14	74%	45%
<b>Midlands</b>	19	4	31%	21%
<b>NE/Yorks/Hum</b>	26	20	91%	77%
<b>North West</b>	21	6	38%	29%
<b>SE and Eastern</b>	29	14	58%	48%
<b>South West</b>	14	6	75%	43%
<b>TOTAL</b>	<b>140</b>	<b>64</b>	<b>63%</b>	<b>46%</b>

Moreover, where some case level data were provided, these were frequently incomplete. Perhaps understandably many areas did not retain comprehensive information on children who were arrested and had a familial appropriate adult, since in such cases, the police do not make a referral for a service. However, there were considerable gaps in the data too where a non-familial AA was provided. The 'drop off' in provision of data for selected time intervals is shown in the

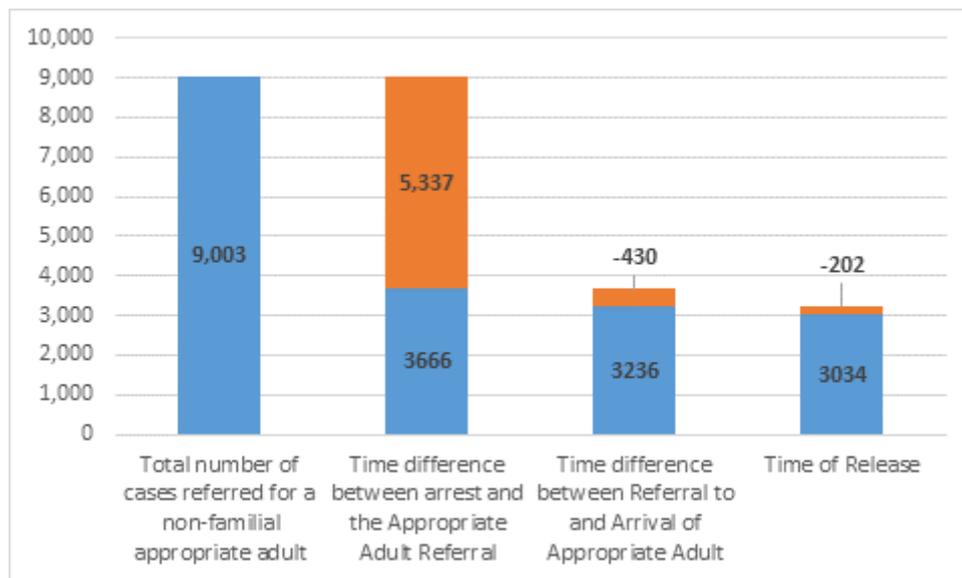
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<sup>22</sup> Figures derived from Youth Justice Board (2017) *op cit*

waterfall chart below (Chart 1) which indicates the total number of cases and extent of the shortfall in data for selected time intervals.

The extent of missing information limits the amount of analysis that can be undertaken and conclusions drawn from any analysis must be taken with a degree of caution.

**Chart 1**  
**Case level returns – ‘drop off’ in information provided**



## 2. Qualitative interviews with professionals

A small number of qualitative interviews were conducted with professionals in three fieldwork sites selected to ensure coverage of metropolitan and rural areas across different regions in YOT areas that had submitted case level data. Five staff with responsibility for provision of non-familial AAs and for police officers with responsibility for police custody were interviewed. Details of interviewees are given in Appendix 1.

Given the number of interviewees, responses cannot be assumed to be representative, but they nonetheless provide a context for, and potential explanations of some of the findings in the quantitative data.

## 3. Qualitative interviews with young people

A small number of qualitative interviews were conducted with young people in each of the three fieldwork sites. AA providers in each area were asked to identify two children who had experience of non-familial AAs who would be willing to be interviewed about that experience. Informed consent was confirmed at the commencement of each interview, which was conducted in private. The purpose of the interview and what would happen to the information obtained was explained

verbally and in writing. Young people were told that they did not need to answer any questions they did not wish to and that they could discontinue the interview at any time. Confidentiality was guaranteed unless the young person disclosed information that suggested that they, or someone else, was at risk of harm. Once interviewers were satisfied that the young people understood what participation involved, and the implications of taking part, participants were asked to sign a consent form.

One area was only able to identify one child who met the criteria for inclusion; in another area, one of those who had agreed to be interviewed was unwell on the relevant day and did not attend. As a consequence four children were interviewed. Details of interviewees are given in Appendix 1.

Given the number of interviewees, responses cannot be assumed to be representative, but they nonetheless provide an account of the experiences of some children in police custody and their understanding of non-familial AA provision which helps to illuminate the implications of some of the findings from the quantitative data for children's wellbeing while in police detention.

#### 4. Analysis of custody records

A case file analysis was conducted of a dip sample of custody records for children provided with a non-familial AA in each of the fieldwork sites to gain further understanding of the pathways of children through police custody, the extent of delay and reasons recorded for it. After permission to access the files was brokered by the National Police Chiefs Council lead for Children, the sample was selected from case level data returns which provided initials, date of birth and date of arrests: these details ought to have been sufficient for the police to identify relevant record without the Children's Commissioner knowing the child's name.

Access was negotiated with the police in each of the areas and all records were viewed at the police station to obviate the need to take information outside those premises. At two sites, relevant information was provided to the researchers by custody staff viewing the records online on our behalf. At the third site, paper copies of the record were provided but no identifying information was recorded. The intention was to analyse 15 records in each but some cases could not be found on the system and in others it transpired that a family member had acted as the AA. In the event, a total of 31 records were reviewed across the three sites. A breakdown of information obtained through this exercise is given in Appendix 2. All data was collected, stored and protected as per the guidance set out in our security operating procedures.

## F. Findings

### 1. A paucity of data

It was anticipated that, as there is no requirement for local authorities to report regularly on AA activity, provision of case level data might prove to be an onerous task in some areas. It is likely that this expectation goes at least some way to explain the fall off in response rates identified in table 2 and chart 1 above. As noted previously the shortfall in data was particularly marked in relation to delays in referrals for an AA, the arrival of the AA and time of release.

As described in more detail later in the report, analysis of custody records showed that the time of referral to the AA service was frequently not recorded meaning that it was not possible to determine the delay in response times from this data source either.

The difficulties that some areas clearly experienced in providing the information requested by the Children's Commissioner suggests that routine monitoring of the length of time that children spend in police custody and the outcomes for those detained is not currently embedded across youth offending services. As noted above, this information is not currently reported on at national level.

### 2. The characteristics of children subject to arrest (derived from case level data returns)

The large majority of the 13,348 children subject to arrest for whom data were provided were male, with girls accounting for 16% of the total. This distribution is similar to the national pattern for all children arrested, 17% of whom were girls in 2015-2016. The mean age at arrest, where known, was 16 years; the age distribution, shown in table 3, was heavily weighted towards children aged 14 to 17 years. National figures for children who are arrested are not broken down by age.

Information on ethnicity was not known or not provided in almost one in four cases. As indicated in table 4, White/ White British children accounted for just 60% of those arrested (equivalent to 79% of those where ethnicity was known. This compares with a figure of 71% of arrests for national data. The second largest group was Black / Black British children, who represented 8% of all of those arrested - 11% of those whose ethnicity was known which is slightly below the national figure of 12%.

**Table 3:**

**Children subject to arrest by gender and age (case level data)**

<b>Gender</b>	<b>Number</b>	<b>Percentage</b>
Male	10,362	78%
Female	2,149	16%
Not known /data not provided	835	6%
Total	13,348	
<b>Age</b>	<b>Number</b>	<b>Percentage</b>
Under 10	6	<1%
10	21	<1%
11	64	<1%
12	197	1%
13	629	5%
14	1,327	10%
15	2,120	16%
16	3,299	25%
17	4,283	32%

Not known / data not provided	1,402	11%
Total	13,348	

**Table 4:**  
**Children subject to arrest by ethnicity (case level data)**

Ethnicity	Number	Percentage of all arrests	Percentage of arrests where ethnicity known
White / White British	8,088	60.59%	79%
Black / Black British	1,089	8.16%	11%
Asian / Asian British	522	3.91%	5%
Any Mixed Background	371	2.78%	4%
Other Ethnic Group	216	1.62%	2%
Unknown	3,062	22.94%	
Total	13,348		

Analysis of case level data returns indicate that a non-familial AA was provided in two thirds of child arrests. However, this may be an overestimate of the true figure. YOTs may be unaware of arrests where children are provided with a familial AA since, in such cases, the police will not make a referral. Recording may accordingly be more reliable for cases where a non- familial AA is provided.

Interviews with all but one of the professionals (AA providers and the police) suggested that the distribution of familial to non-familial AAs in their area was approximately the reverse of that captured in the data, although all views expressed were based on experience rather than concrete information. Such a perception is consistent with the research evidence – albeit from some years ago which suggests that parents or guardians act as AA in 63% of cases.<sup>23</sup> One police interviewee however expressed the view that, in their area, non-familial AAs might account for between half and three quarters of all those attending. This perception would be more concordant with the findings from the case level returns.

<sup>23</sup> Philips, C and Brown, D (1998) *Entry into the criminal justice system: a survey of police arrests and their outcomes*. Home Office research study 185. London: Home Office

## 2. Children's experience of police detention and non-familial appropriate adults

A vital part of the role of the AA is to safeguard children while in detention. Some understanding of what it is like for children when held at the police station is necessary for assessing how that task might best be undertaken and provides an important context for interpreting the findings derived from the data request.

Previous research, albeit quite old, has suggested that the experience of police custody is 'destabilising'.<sup>24</sup> Children interviewed for the current study provide further evidence to that effect. Although the sample was small, each young person had had experience of being in police custody on a number of occasions and of being supported by a non-familial AA. Their accounts were remarkably similar and presented a stark picture of what it is like for, at least some, children subject to arrest and taken to the police station. Interviews with police officers, although again based on a small sample, reinforced much of what the children said.

Perhaps unsurprisingly, none of the children could think of anything good about being in police custody but each of them was able to provide an array of negative aspects. Deprivation of liberty itself was an obvious concern for most of the young people: as one put it '*You aren't going anywhere*'. Another confirmed the potential for being anxious about the implications for their future:

*'It affects your life. You can't be trusted to work in shops and stuff.'*

More common however were descriptions of what happened at the police station and the nature of the environment.

On arrival, and prior to being booked in, children were generally detained in a holding area waiting to be processed for what, we were told, can be up to an hour. During this period, children, including females, were often in the company of adult offenders. One described this as among the worst things about being at the police station:

*'You are just there mixed with adults – and they are pissed and out of their heads on drugs. Not all of them – but quite a few. It's just not nice being a young person in that situation.'*

We were told by the police officers we spoke to that some stations – but not all – have facilities that would allow children to be separated from adults, or that children might remain outside the custody suite until custody staff were ready to process them. Nonetheless, they acknowledged the possibility that the two groups would on occasion be held together.

All of the children confirmed that once they had been processed and given their rights, they would be placed immediately in a cell. This experience was universally regarded as an unpleasant one. Cells were described as being dirty, '*smelly*' and spartan:

*'You are locked up behind four walls of concrete, a thin mattress, pillow and a metal toilet. Nothing else.'*

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<sup>24</sup> Littlechild, B (1998) 'An end to inappropriate adults?' in *Childright* 144: 8-9

Having nothing to do for lengthy periods in such an environment was, for most of those interviewed, the worst aspect of being in police custody. Children acknowledged that they had on occasion been offered reading materials, but regarded what was on offer as being inadequate with one describing it as *'kiddish'*. It was clear from custody officers whom we interviewed that reading resources were, in some areas at least, reliant on what officers themselves brought in, although were informed of one initiative involving negotiations with the Metro newspaper that had resulted in those papers being available on a daily basis. Two of the children reported being so bored that they had resorted to reading the Code of Practice, an 88 page document aimed primarily at police officers and legal representatives. Others described activities that they had devised to occupy themselves such as playing a form of *'basketball'* with balls of toilet paper and the toilet bowl.

Children we spoke to acknowledged that they were offered food and drink at appropriate times, but all of them reported that, having tried it on a first occasion, they subsequently refused it, even if their detention extended over a considerable period. In some instances, we were told by children that they had not eaten in 24 hours. As one said:

*'I'll have the drinks but not the food. I had it once and had one spoonful and straightaway my belly started getting funny. So I didn't eat any more – and I've never touched it since'.*

Custody staff confirmed to us that many children did not take advantage of the food they were offered and accepted that the quality left something to be desired. One alluded to a misconception, which he said was shared by many young people, that the police were liable to tamper with food before giving it to detainees and suggested that breakfast bars tended to be most popular for this reason. We were told that the police are often unwilling to allow food to be brought in from outside because of the risk that it might contain contraband: items that young people would not be permitted to keep in their cells. One officer indicated that provided the food was sealed, they could see no reason for refusing to allow it to be brought in from the outside. Analysis of custody records confirmed that children frequently accepted drinks but did often refuse food, although most did eat eventually if they were held for an extended period. Of 64 meals offered to children, 29 (45%) were refused.

For all of the young people, however, it was the duration of the periods in the cell environment that was most concerning to them and the uncertainty over how long that period might be. While children's estimates of time might not be completely accurate, each of those we interviewed reported episodes of police custody that were extremely lengthy. We were told that if there was to be an interview then the delay might be for as long as twelve hours; another child indicated that if you were arrested in the morning then you would not be released until late at night; one boy reported having been detained overnight on three occasions. Each of the accounts provided was consistent in maintaining that the large bulk of this time was spent alone in the cells. The following comment well exemplifies the nature of the uncertainty for young detainees:

*'The police takes you to interview maybe two hours maybe ten hours later. I don't know'.*

All the children we spoke to indicated that they dealt with the situation by attempting to sleep as much as possible so that time would pass more quickly. In the absence of sleep, however, they described experiences which were clearly distressing for them. One child, for instance, told us that he found it difficult to sleep and that unless he could keep himself occupied, he would become:

*'Worked up ... You end up looking at the walls and playing everything in your mind'.*

Left alone with his thoughts, he could 'lose it'. On occasion, this had led him to punch the cell door. Another young person expressed similar sentiments:

*'The cells are not nice. You are on your own and you are over-thinking and your head goes a bit psycho – if that's a way of saying it. Having company would help'.*

The support of an AA is intended to alleviate some of the worst aspects of children's experience in custody and each of the young person's interviewed was asked to describe their experience of non-familial AAs. As shown in table 4, their experiences were not always encouraging in this regard.

**Table 5**  
**Children's' experiences of non-familial appropriate adults**  
**(responses from interviews with children)**

What did the Appropriate Adult Do	Young person 1	Young person 2	Young person 3	Young person 4
Introduce themselves / explain why they were there	Yes	Yes	Yes	Yes
Check that you were feeling ok	Yes	Yes	Yes	Yes
Make sure you understood what your rights were	Not really - they focus on whether you have asked for a solicitor	Yes	Yes	Yes
Sit with you / chat / help you pass the time / make you feel better	No	No	No	No
Check how the police treated you?	No	Yes	No ('That's the solicitor's job')	Yes
Check whether you had had anything to eat?	No	Yes	Yes	Yes ('I just tell them 'yeah' to keep them happy')
Make sure that you understood what your solicitor said to you	No	Yes	No	No
Make sure that you understood what was going to happen	No ('Because they don't know themselves')	Yes	No	Yes
Give you any advice (what was it)	No ('They just introduce themselves. Make sure that you have got a solicitor – or that you don't want one. That's	Yes	Yes (although mainly the solicitor)	Yes

	it. That's what they do')			
Intervene with the police on your behalf during the interview	No	No	No	Yes
Intervene with the police on your behalf about what they were going to do	No	Don't know	Don't know	Yes
(If relevant) Intervene with the police to try to get you bail	Don't know	No	No	Don't know
Try to get you released more quickly	'God no!'	No	No	Don't know
Make sure that you would be able to get home OK / take you home	No	Yes	No	Yes
Talk to your parents or your social worker to tell them what was happening	No	No	No	'Yes if they drop you off'

Findings in relation to the role of the AA and the nature of services provided are considered further in the following two sections of the report.

### **3. Models of service delivery and coverage of AA provision**

The National Appropriate Adult Network (NAAN) has developed a fivefold typology of the range of models of service delivery for the provision of appropriate adults as follows:

- Delivered in-house by paid staff
- Delivered in house by volunteers
- Commissioned out to the private sector
- Commissioned out to a not-for-profit organisation using volunteers
- Commissioned out to a not-for-profit organisation using paid staff.

Previous research in 2004 suggested that the majority of YOTs delivered AA services in house and that paid staff were most frequently deployed in the role.<sup>25</sup> Findings from a more recent survey undertaken in 2010 by NAAN estimated on the basis of partial returns from police forces, that YOTs provide AA services directly in half of the areas, with the function being contracted out to private or third sector providers in a further 23% of areas.<sup>26</sup>

The current study adopted the NAAN typology for the questionnaire sent out to youth offending teams. The large majority of areas who provided a response indicated that the service was delivered in-house, either by paid staff or by volunteers, but as shown in table 6, other forms of provision were more common out of hours and at weekends. The use of volunteers, during the day and out of hours, was prevalent, accounting for more than 40% of provision. This figure is almost an under-estimate since, where delivery is contracted out to the private sector, volunteers may also be used.

**Table 6**  
**Models of AA service provision (questionnaire returns)**

	In house – paid staff		In house - volunteers		Commissioned to private sector		Commissioned to NFP sector- Volunteers		Commissioned to NFP sector- Paid staff	
During the 'day time' on weekdays	57	44%	40	31%	15	12%	12	9%	5	4%
During 'out of hours' on weekdays	40	34%	32	27%	17	15%	16	14%	12	10%
On weekends and holidays	38	31%	34	28%	18	15%	19	16%	12	10%

The quality of extent and quality of case level data was not sufficiently good to allow an analysis of whether any particular model of provision was associated with a more rapid response to a request to provide an AA. Moreover, the project was not designed to focus on the effectiveness of AA provision. Nonetheless, some interviewees did express concern that volunteers, particularly those who acted as an AA regularly, might overly associate with the police and lose independence.

One police custody officer suggested that volunteers in their area either lacked confidence to intervene or alternatively, when they became familiar with the role, came to regard it as a tick box exercise. In this respect, the officer suggested, familial AAs were more likely to ask questions of the police and to intervene on behalf of the child than those provided by the YOT. This view was echoed by one young person who responded to a question about what the AA did in the following terms:

<sup>25</sup> Pierpoint, H (2004) 'A survey of volunteer appropriate adult services in England and Wales' in Youth Justice 4(1):32-45

<sup>26</sup> NAAN (2010) *Appropriate adult provision in England and Wales*. London: NAAN. It should be noted that the survey also covered AA services to vulnerable adults

*‘Nothing – they just sit there. Even if the police twist your words, they don’t say nothing. One time I had a family friend come as appropriate adult and came to the interview and that was different. He did say something. He said – that’s not what she said. She said this. But all the other times they just sit there. It’s just like they are there because they have to be there’.*

Such negative experiences of volunteer AAs was however by no means universal. One young person spoke very highly of a volunteer who had acted as an AA for him on a number of occasions who he thought intervened on his behalf effectively where it was necessary. He told us that he always asked for that individual to be his AA by name. One police interviewee put the service provided into the context of the level of resourcing afforded to it:

*‘I’m always secretly impressed that they put up with a lot of nonsense for not a lot of resource’.*

Others professionals simply reported that they thought that the quality of provision was good although it was apparent that this was based, in part, on response times rather than their interventions with, and on behalf of, children.

As demonstrated in Table 7 just over half of schemes responding to the questionnaire offered a 24 hour service, although it was clear that in some instances, this was limited beyond a certain time. Emergency duty teams (EDTs) who often provide cover after a certain point in the evening will have many competing demands on their time and children who are in police custody are likely to be a low priority when considered alongside urgent child protection, mental health or adult safeguarding referrals. Where a 24 service was not offered, more than half of respondents providing a rationale, indicated that it was to allow children to have a rest period. (It is a requirement of the Code of Practice that detainees should be entitled to a rest period of eight hours in every 24). However, more than a third also cited a lack of AAs or a shortage of other resources as an explanatory factor.

**Table 7:**  
**Extent to which AA coverage is 24 hours (questionnaire returns)**

Are AAs available 24 hours	Yes		No		No Response		Min coverage (hours)	Max coverage (hours)	Average (hours)
	Count	Percentage	Count	Percentage	Count	Percentage			
Weekdays	53	52%	48	48%	1	1%	7	24	19.3
Weekends and holidays	52	53%	47	46%	3	3%	3	24	19.5

Several of the professional interviewees confirmed that the provision of AAs became less reliable once the daytime service handed over the out of hours provision. In one area, there was a one-hour time lag before the EDT began to take referrals. One police officer confirmed that it was *‘very unlikely’* that a non-familial AA would attend after five in the evening when the EDT took over. Where no AA is available in such circumstances, the police are unable to make progress with the case and, frequently, this will result in the child remaining at the police station until an AA is

available the following morning. Analysis of the case level data showed that, of the 2,079 cases where children and young people were recorded as being in police custody for over 12 hours, 38% were arrested between 5pm and 8am.

The review of custody records suggested a similar pattern. All of the young people arrested after 6pm in the records we examined remained at the police station overnight.

Conversely, it was apparent that, in some areas, AAs from the standard scheme were provided until late in evening, allowing children to be interviewed, and potentially released, before their rest period kicked in. Interviewees in one area also told us that their scheme would on occasion provide an AA after midnight if there were exceptional circumstances that warranted it.

We were told that ensuring provision of a 24 service would be one of the most effective ways of reducing children staying overnight at the police station. Limited access to AAs in the evening has a clear potential to increase unnecessarily the period that children spend in police custody. While expanding that provision will inevitably have resource implications, the positive consequences for vulnerable children would be considerable.

#### **4. Understanding of the appropriate adult role**

Guidance for youth offending teams makes explicit a preference that parents or carers should act as the AA for their child; non-familial AA provision is designed for those occasions where the family is unable or unwilling to attend the police station.<sup>27</sup> This understanding clearly informs the provision of AA schemes: three quarters of those responding to the YOT survey indicated that they always expected that the police would make efforts to encourage parents/carers to attend before requesting a non-familial AA. A further 20% expected that the police would do so sometimes. Most respondents had encountered a range of barriers to parental attendance with the most common difficulties, cited by three quarters of areas, being other childcare commitments, and refusal to go to the police station. Children who do not have the support of their family at the police station and are reliant on a non-familial AA, are thus likely to feel abandoned, increasing their sense of vulnerability. This perception was reinforced by interviews with AA providers who told us that the young people who required their service were typically those who were already well known to youth offending teams and children's social care whose parents had '*given up on them*' or had difficulties of their own.

In the survey, youth offending teams were asked to indicate which of a given list of activities AAs were expected to undertake as a matter of routine. Responses indicated a considerable consensus across England as to the nature of the AA role. Four activities were considered to always be part of the AA function by 90% or more of respondents, as shown in table 8. Two of these involved ensuring that the child understands their rights or what is being said to them. A third was intervening in the police interview to prevent unfair or oppressive questioning. Each of these is specifically mentioned as part of the AA's role in the Code of Practice. The large majority of respondents also considered that the AA should advocate with the police on behalf of the child in relation to the police decision. This is not a function explicitly addressed in the Code but obviously has implications for what is in the best interests of children in receipt of an AA service.

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<sup>27</sup> Youth Justice Board (2014) *Appropriate adults: guide for youth justice professionals*. London: Youth Justice Board

A lower proportion of services considered that the AA should routinely be involved in ensuring that the child has adult support for as much of their period in custody as possible before the interview: 56% of those responding considered that this should always be a part of the AA role; with a further third indicating that it might sometimes be. (Seven percent of returns noted that this was never a function of the AA's activities.)

Survey responses demonstrated a shared perception that the required input of the appropriate adult was significantly reduced once the police had interviewed the child. As shown in table 6, around one third of respondents indicated that AAs should never advocate on behalf of the child in relation to the outcome or whether they would be granted bail, presumably on the grounds that this is primarily a role for the legal representative. Sixty two percent of providers indicated that it was always part of the AA role to ensure that arrangements were in place for the child to get home, but a much smaller proportion expected that the AA would remain with the child until they were released as a matter of routine. Almost 60% of respondents intimated that AAs would never be expected to escort the child home.

**Table 8**

**YOTs' expectations of activities that would be undertaken by non-familial AAs a matter of routine (questionnaire responses)**

	Always		Sometimes		Never		No Response	
	No	%	No	%	No	%	No	%
Ensuring that the child understands their rights	99	97%	0	0%	0	0%	3	3%
Ensuring that the child has adult support for as much of their period in custody as possible before the interview	57	56%	34	33%	7	7%	4	4%
Ensuring that the child understands what is being said to them by the police and their legal representative	98	96%	1	1%	0	0%	3	3%
Providing the child with advice in relation to the offence	0	0%	0	0%	0	0%	102	100%
Sitting in the police interview	12	12%	8	8%	75	74%	7	7%
Intervening in the police interview to prevent unfair or oppressive questioning	97	95%	2	2%	0	0%	3	3%
Advocating on behalf of the child in relation to the police decision	92	90%	5	5%	2	2%	3	3%
Advocating on behalf of the child with the police in relation to bail	32	31%	26	25%	40	39%	4	4%
Representing the local authority in relation to offering to support conditions of bail where appropriate (e.g., bail support)	37	36%	32	31%	29	28%	4	4%
Representing the local authority in relation to facilitating the transfer of the child to local authority accommodation where bail is refused following charge	26	25%	21	21%	48	47%	7	7%
Ensuring that arrangements are in place for the child to get home following release	21	21%	26	25%	48	47%	7	7%
Escorting the child home	63	62%	21	21%	12	12%	6	6%
Remaining with the child until they are released	4	4%	32	31%	58	57%	8	8%

Alerting children’s services to any safeguarding concerns	24	24%	60	59%	11	11%	7	7%
Alerting the youth offending team to any criminal justice outcome, pending court appearance or return to the police station	91	89%	6	6%	0	0%	5	5%

Interviews with professionals suggested that practice in relation to AAs remaining at the police station after the interview was variable and depended on the circumstances, including the perceived vulnerability of the child and the likely point of release. One service had a policy that AAs would wait no longer than an hour for a police / Crown Prosecution Service decision as to the outcome, although they might return at a later stage to be present at the point of disposal. Police interviewees confirmed that it was not standard practice for AAs to stay at the police station once the interview and other processes that require an AA presence were completed. One officer told us that they sometimes had to charge or bail a child with the AA at the end of a phone line as it was rare for them to be at the station at that point, and they were usually reluctant to return.

For the most part, interviews with children reinforced this picture. One, when asked if the AA tried to get them released more quickly replied:

*‘God no. Sometimes after the interview the police just take the piss and don’t release you. So once I had to ring my solicitor because it was still not being released to get them to find out from the police what was going on but the appropriate adult wasn’t involved’.*

As shown in Table 8, almost 60% of YOTs responding to the questionnaire intimated that AAs would never be expected to escort a child home. However, it was clear this expectation was sometimes bypassed: three of the four young people we spoke to had been offered a lift home by their AA. One young person recounted having been taken home on a number of occasions by an AA who had remained with him until he was released.

It was pointed out to us by service providers that taking children home would have implications for insurance and the safety of the AA, particularly if they were a volunteer. Accordingly this was regarded as a police responsibility. The police acknowledged that it was a matter for them to ensure that the child could get home safely and indicated that they would provide transport if there were any concerns because of the child’s age, vulnerability or time of day.

In interviews with police custody staff, respondents were asked to indicate what they thought the AA ought to do and what they did in practice. As shown in table 9, their views of the functions of the AA broadly coincided with the perceptions of YOT elicited through the survey, with the exception of the fact that they did not for the most part, consider advocacy to be part of the AA role. However their assessment of the extent to which those functions were adequately carried out, suggested that practice was not always in alignment with policy. Aspects of this suggestion are explored in the next two sections of the report.

**Table 9**

**Police understanding of the AA role and the extent to which it is carried out (interviews with police custody staff)**

Function	The Appropriate Adult should do				The Appropriate Adult does			
	PO 1	PO 2	PO 3	PO 4	PO 1	PO 2	PO 3	PO 4
Explain rights to child	Yes	No	Yes	Yes	Yes	No – the police do this	If the child doesn't understand what police say	Yes
Sit with child in custody to provide support /ensure welfare	Yes	Yes	A certain amount	Not really	No – only in some suites	No	A little	Not really
Facilitate communication with police and solicitor	Yes	No	Yes	Yes	Yes	Sometimes	No	No
Provide advice in relation to the offence	No – should be provided by solicitor	No – should be provided by the solicitor	No – should be provided by the solicitor	No – should be provided by the solicitor	No	No	No	No
Sit with child in interview	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Prevent unfair / oppressive questioning	Sometimes	Yes	Yes – in theory	Yes	Sometimes	Rarely	I'm aware of it happening	Don't know
Advocate in relation to the police decision	Sometimes	Yes	No	No	Sometimes	Rarely	90% of representations come from solicitors	No

Advocate in relation to bail decision	No	Yes	No	No	No	Rarely	90% of representations come from solicitors	No
Offer bail support on behalf of the local authority	No	No	No	No	No	No	No	No
Facilitate PACE transfers where bail is refused	No - need to pass it onto the Emergency Duty Team	No - need to pass it onto the Emergency Duty Team	No – Would liaise with LA	No	No	No	No	No
Ensure arrangements in place for child to get home	No – police do this	No – police do this	No – police responsibility	No – police responsibility	No	No	No	No
Escort the child home	No	No – maybe with permission with the custody officer	No – never. Police wouldn't release unless there were arrangement in place	No	No	No	No	No
Remain with the child until they are released	No	No	Sometimes	Sometimes	No – sometimes it is done earlier for this reason	No – sometimes they have to charge and bail with the appropriate	It would depend on how long the decision will take	For a short period but may leave and then return for decision

						adult on the phone		
Alert children's services to safeguarding concerns	No – should alert the police	Yes – and the police too	Yes	Yes	No	Yes – and the police too	Yes	Yes

## 5. Delays in the provision of a non-familial AAs

As noted above, almost nine in ten of YOTs responding to the survey considered that ensuring a child has adult support for as much of their period in custody as possible before the interview is always or at least sometimes part of the AA role.

Providers interviewed in two of the areas visited considered that having the AA with the child as early as possible after arrest would be ideal but acknowledged that this would have resource implications and might pose difficulties for some volunteers who may not be able to give up the time required. There was a consensus too among most of the police staff interviewed that, subject to appropriate risk assessment, adult support for children should be available prior to the arrival of the solicitor.

All but one of the children we spoke to also considered that the extent of AA support should be extended to allow them to talk things through, offer emotional support and ascertain whether the young person had additional needs. As one put it:

*'It would be good if they came to speak to you and spent time with you before the interview. To see if you are alright and ready for the interview'. Another told us: 'It would be nice if they could get there early and chat to us. I think young people would like that.'*

Another indicated that it would be helpful because there are:

*'loads of kids with depression and all that crap that will be thinking about it can have a chat about it'.*

The child who disagreed told us that while having adult support would be beneficial, it would defeat the purpose of police custody which he understood as being a punishment. As he argued:

*'If you commit an offence then you should pay for it. I don't expect that an appropriate adult should be there. ... It would make it easier but you should reflect on what you have done'.*

### **Case study (custody record analysis)**

**One of the cases we looked at involved a boy aged 17 years who was arrested in the early afternoon for burglary and possessing a firearm. Once arrested, it took 35 minutes for him to arrive at the police station and be processed, after which he was placed in cell.**

**There was then a delay of 22 hours and 24 mins before the interview took place the following day, with both the AA and the solicitor arriving prior to the interview commencing. While waiting for interview, the boy was offered two meals, one of which he turned down.**

**The young person was then charged, bailed and released almost 12 hours later at 23:32 by which time had been in police custody for 1 day, 10 hours and 21 minutes.**

One provider we interviewed pointed to a potential problem with the AA spending significant amounts of time with the child prior to interview. Unlike the solicitor, the AA is not bound by a duty of confidentiality and is not protected by ‘legal privilege’. As a consequence, the AA might therefore become a potential prosecution witness in the event that the child makes an admission outside of the interview. Similar concerns were cited, by a number of interviewees, as a reason for the AA not always accompanying the child when they have consultations with the legal representative. Part of the role of the AA is to ensure that the child understands what is being said to him or her; and as noted above, 96% of survey returns noted the importance of this function. However, it will often be difficult to facilitate communication effectively unless the AA is clear on what basis legal advice has been given. All of the professionals interviewed considered that giving AAs a status equivalent to legal privilege would be helpful and in some cases considered it perverse that this was not already provided for; none could think of any disadvantages of so doing although one thought that it might require additional training.

Ensuring that children receive independent adult support throughout their period of detention requires that the referral for an AA and the response time are prompt enough to allow the AA to spend meaningful time with the child prior to them being interviewed. However, all of the professionals that we interviewed said that the AA generally arrived just in time for the interview. Children’s experiences were consistent with this picture. As one put it:

*‘They only come when you are ready to be interviewed. They wouldn’t be there before the interview. They don’t meet with the solicitor – they just sit in another room when you are talking to the solicitor. And when you’ve done that you just go straight into the interview’.*

When asked how quickly the AA arrived at the police station, one child responded that he was not able to give an accurate time ‘but it’s not fast’. Other estimates were ‘five to six hours’ and ‘four to eight hours’; but all young people were clear that they would be unlikely to have any adult support until shortly before they were interviewed.

Delays in requesting an AA

One explanation for this difference between understanding of the AA role shown in table 8, and what happens in practice is that are considerable delays in the police requesting a non-familial AA.

Some evidence to support this assessment derives to responses in the YOT survey itself. As indicated in Table 10, three quarters of respondents reported that, during the day time, the police generally requested an AA as soon as they had established that parents/ carers would not be attending. A further 14% suggested that referral occurred at a later stage when there was an estimated time for the arrival of the solicitor or for the interview to occur.

**Table 10: YOT descriptions of the point at which the police make a referral for a non-familial AA and the point at which the AA arrives at the police station (questionnaire responses)**

When is the referral for an AA usually made?	At the point of arrest	When the police establish that a familial AA	When the police have an ETA for the solicitor	When the police have an ETA for the interview	Other	No Response
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			will not attend									
During the 'day time' on weekdays	3	3%	77	75%	6	6%	8	8%	5	5%	3	3%
During 'out of hours' on weekdays	3	3%	67	66%	8	8%	7	7%	5	5%	12	12%
On weekends and holidays	2	2%	68	67%	9	9%	6	6%	6	6%	11	11%

In interview, custody officers made it clear that they saw little point in making a referral until they knew when they were ready to make some progress in the case. Providers in two of the three areas visited were of the view that police generally did not request an AA until they had a sense of the timing of the interview.

Information provided in the data returns at case level was frequently incomplete and a comprehensive assessment of the delay in referral was not possible. Analysis of the information available confirms that the request for an AA is often made after the child has been in detention for some considerable period.

For all arrests where any case level information was provided, the period between arrest and referral for an AA was unknown in 69% of cases. Unsurprisingly, the provision of data was better where the YOT had provided the AA, but even so data were not available in 57% of such cases. As shown in Table 11, where the period between arrest and referral was known, the referral for a non-familial AA was made within three hours of arrest in approximately one third of cases. In a further one in five episodes, the delay was between three and six hours. In almost half of the cases (47%), there was a time lapse of more than six hours between the child's arrest and the request for an AA.

**Table 11**  
**Period between arrest and referral for a non- familial AA (where known)**  
**(Case level data)**

Period	Number of cases	Percentage of cases
0-5 minutes	165	5%
5 minutes to 3 hours	1,010	28%
3 hours – 6 hours	755	21%
6 hours – 9 hours	492	13%
9 hours to 12 hours	480	13%
12 hours to 15 hours	307	8.%
15 hours to 18 hours	215	6%
18-hours to 21 hours	90	3%
21 hours to 24 hours	49	1%
24 hours to 36 hours	44	1%

36 hours to 48 hours	15	0.4%
48 hours plus	44	1.2%
Total	3,666	

A relatively small number of cases showed that a referral for a non-familial AA was made within five minutes of arrest. It seems likely that this will include instances where:

- there is already an AA at the police station for another child (in a few areas, AAs are embedded at the police station during working hours);
- the child has surrendered themselves to custody and attended the police station with an AA. (This situation occurs not infrequently where the child is released on bail from the police station to return at a later date while a decision is made as to the appropriate form of disposal); or
- the police know from the outset that the parent cannot attend or is precluded from acting as the AA.

At the other end of the scale, in a similar number of cases the referral took place more than 24 hours after arrest. Such cases would be exceptional since suspects should be charged or released within 24 hours of arrival at the police station unless an officer of the rank of superintendent or above determines that further detention is necessary. Where the suspect is a child, the Code of Practice requires that in making the decision, account should be taken of:

- *'The person's special vulnerability;*
- *the legal obligation to provide an opportunity for representations to be made prior to a decision about extending detention;*
- *the need to consult and consider the views of any appropriate adult; and*
- *any alternatives to police custody'.<sup>28</sup>*

Given these statutory provisions, the possibility of mistaken data entry by the YOTs providing the information cannot be ruled out.

A more reliable picture is given by excluding cases where the period prior to a referral for a non-familial AA is less than five minutes or more than 24 hours. As indicated in table 12, when such cases are omitted, the mean delay before an AA is requested was 7.7 hours.

**Table 12**  
**Average time between arrest and referral for a non-familial appropriate adult excluding cases below five minutes and greater than 24 hours**  
**(Case level data)**

Region	Mean time in hours	Number of cases included in analysis
London	8.8 hours	937

<sup>28</sup> Home Office (2014) *op cit*

<b>Midlands</b>	8.9 hours	44
<b>North East</b>	7.7 hours	735
<b>North West</b>	6.3 hours	118
<b>South East and Eastern</b>	7 hours	1,234
<b>South West</b>	7.5 hours	330
<b>National</b>	7.7 hours	3,398

There was some variation between regions but differential response rates mean that it is not possible to draw conclusions as to whether this reflects differences in practice on the ground. At the level of individual YOTs, of those who provided data, ten recorded a mean period of more than nine hours between arrest and request for an AA; in six of these YOT areas, the average delay was more than ten hours. Conversely, five areas recorded a mean delay of less than five hours, of which one achieved an average time of less than three hours. This level of variation at local level suggests that there may be differences in practice in this regard between YOT areas.

Some delay in the process is inevitable while children are taken to the police station, booked in, initial processing takes place and the police ascertain whether a familial AA will attend. We were also told by police and AA provider interviewees that it was not uncommon for parents to say initially that they would come to the police station and subsequently not arrive, leading to a delayed referral for a non-familial AA.

Nonetheless the level of delay recorded in the table appears excessive and, to the extent that they are representative of the broader picture, suggest that they might contribute to children being detained in police custody for longer than would otherwise be necessary. Analysis of custody records did not help to illuminate this issue further since 20 of the 31 custody records viewed did not record the time at which the referral for the AA was made: in most cases it was not therefore possible to ascertain the extent of delay or any reasons for it. However, as indicated previously, interviewees suggested to us that there was a tendency to refer when the police knew when the child's solicitor would be arriving at the police station and had an estimated time for proceeding to interview.

**Case study (custody record analysis)**

One of the custody records we reviewed concerned a girl, aged 17, who had been reported missing to the police and was considered to be at risk of child sexual exploitation.

When the police found her, she tried to escape and in the process kicked and punched an officer. This led to her arrest for assaulting the police at 19.34. It took almost two hours for this young person to be processed and placed in a cell. At 23:05 the police contacted a cousin who confirmed that that her family would provide an appropriate adult. However telephone calls from the police at midnight, at 8.25 the next morning and at 9.30 were not answered and at that point the police decided to request a non-familial AA.

The AA arrived at 10.44 and a consultation between the girl and her solicitor was recorded at 11.03. The interview took place at 11.31 and the young person was released on bail at 12:05 to return to the police station at a later date.

Her bail was subsequently cancelled because the girl complied with all the conditions of an (informal) community resolution and so was not required to return to the police station. The total time she spent in police custody was 16 hours and 31 minutes.

*Delays in AAs attending the police station*

The period that children are left without adult support is inevitably increased by any delay in responding to a police referral for a non-familial AA. As shown in Table 13, just 19% of respondents to the questionnaire indicated that the AA would attend the police station as soon as possible after one had been requested. A further 54% responded that attendance would occur within an agreed timescale and almost one in four that they would aim to coincide with the arrival of the solicitor or the point at which the police would be ready to proceed to interview.

**Table 13: YOT descriptions of the point at which the police make a referral for a non-familial AA and the point at which the AA arrives at the police station (Questionnaire responses)**

When is the AA usually provided?	As soon as possible		Within an agreed timescale		When the solicitor arrives		At the time of the interview		Other		No Response	
During the 'day time' on weekdays	19	19%	55	54%	20	20%	3	3%	1	1%	4	4%
During 'out of hours' on weekdays	15	15%	50	49%	17	17%	5	5%	5	5%	10	10%
On weekends and holidays	12	12%	50	49%	17	17%	5	5%	5	5%	13	13%

National standards produced by the National Appropriate Adult Network indicate that local areas should have agreed response times which are no longer than two hours.<sup>29</sup> Interviewees made reference to such agreements and one area noted that their service generally met the expectation that AAs would attend the police station within 45 minutes. At the same time, they conveyed a sense that AAs would often attempt to align their arrival with that of the solicitor or to coincide with the estimated time of the interview. One provider told us that:

*'Until we get a time for the interview, it is pointless to put an AA on standby'.*

The impression given was that there was an expectation on the part of both agencies that the priority was to ensure an AA presence for the interview but not necessarily in advance of that point and that police referrals would be timed in a manner that allowed AA providers to meet agreed response times without AAs having to spend significant amounts of time at the police station prior to the interview.

This impression was reinforced by the custody record analysis. The AA arrival time and the interview start time were both recorded in 22 of the 31 custody records reviewed. In these 22 cases, seven cases recorded the AA attendance at the police station as being more than an hour before the interview. In five cases, the AA was recorded as arriving ten minutes or less before the interview. The remaining cases ranged between 21 and 55 minutes.

The period between referral and AA attendance at the police station indicated by the case level data returns was considerably shorter than the delay prior to that referral. Information against this parameter was also more readily available as a higher number of YOTs provided case data in this regard, with 39% of cases recorded as unknown. Table 14 indicates that in 18% of cases where information was provided, the AA arrived in less five minutes of the referral. As noted above, this is likely to reflect instances where the AA was already at the police station or had accompanied a child to the station to surrender to bail. In the large majority of cases – more than three quarters

<sup>29</sup> National Appropriate Adult Network (2013) *National Standards*. London: NAAN

where information was available - the delay between referral was between 5 minutes and three hours.

**Table 14**  
**Period between referral for a non-familial AA and AA arrival at the police station (Case level data)**

Period	Number of cases	Percentage of cases
0-5 minutes	919	18%
5 minutes to 3 hours	3,833	77%
3 hours – 6 hours	247	5%
6 hours – 9 hours	34	0.7%
9 hours to 12 hours	22	0.4%
12 hours to 15 hours	9	0.2%
15 hours to 18 hours	11	0.2%
18-hours to 21 hours	15	0.3%
21 hours to 24 hours	27	0.5%
24 hours to 36 hours	15	0.3%
36 hours to 48 hours	1	0%
48 hours plus	22	0.4%
Total	5,155	

Again excluding cases recording response times of less than five minutes or more than 24 hours the average period between referral and arrival at the police station across England was 1.6 hours as demonstrated in table 15. The regional variation was narrower than for the delay from arrest to referral, perhaps reflecting the expectations of national standards which all regions appeared to meet.

**Table 15**  
**Average time between referral for a non-familial AA and AA arrival at the police station excluding cases below five minutes and greater than 24 hours**

Region	Mean time in hours	Number of cases included in analysis
London	1.8 hours	892
Midlands	1.8 hours	634
North East	1.5 hours	847
North West	1.4 hours	163
South East and Eastern	1.4 hours	1,119
South West	2 hours	543
National	1.6 hours	4,198

At the level of individual YOTs, the spread was greater: six YOT areas had a delay time of more than three hours; in a further eleven areas, AAs arrived at the police station, on average, in under

an hour of referral. While the numbers of cases in some areas are low, the differences indicate that there is scope for an overall reduction in delay following a request for an AA.

As noted above, interviewees considered that it was rare for AAs to get to the police station as soon as possible rather than with agreed timescales, or to coincide with the interview and the arrival of the solicitor. From the perspective of a child who has been in police custody for almost eight hours prior to a referral for an AA being made, a further two hour delay, even if it accords with the minimum expectation of national standards, represents a considerable increase to the period that they spend unsupported in their cells. The cumulative effect is that children experience extensive periods in police custody without any contact with an adult independent of the police, an average of well over nine hours. This figure is consistent with the findings of recent inspections of police custody by HM Inspectorate of Constabulary, a number of which have reported an average wait for an AA of around eight hours from the point at which children arrive at the police station.<sup>30</sup>

Interviews with one service provider drew attention to the fact that, on occasion, AAs might arrive at the police station and have to wait in a queue to alert the desk staff of their presence. At busy times, this might mean that the entry of the AA to the custody suite was further delayed. The area in question had addressed this issue by providing all volunteer AAs with an official identity card and agreeing with senior officers at the relevant police stations that desk staff would 'fast track' AAs displaying that card on arrival at reception. .

## **6. Other factors increasing the period of children's detention**

Delays in the provision of AA services should be seen in the wider context of children's experience in the police station as just one, albeit critical, element that contributes to extensive detention in custody.

We were told by professionals in interview that the investigative process was a time consuming exercise and that it was generally necessary to establish the evidential base for the allegation before the interview. This requirement was one of the reasons offered for not alerting the AA service that a non-familial AA would be needed until there was greater clarity about the length of time that collecting evidence would take, particularly given the reluctance of providers to commit AAs to spending significant periods at the police station prior to the interview.

In addition, where children were arrested during the evening, it was clear from interviews, and analysis of the case records, that there was a tendency in some instances to assume that children would remain at the police station overnight to have their eight hour rest period and be interviewed the following day. This tendency was exacerbated in some places by the limited access to non-familial AAs outside of office hours. As noted earlier in the report, three out of the four young people we interviewed had been detained overnight. As one of those told us:

*'One time I was arrested on Thursday at 6.00pm in the evening and then held at the police station until they took me to court on Saturday morning. I didn't even get to go out to the yard. You are supposed to be able to get a break and go outside once or twice a day if you*

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<sup>30</sup> See for instance, HMI Constabulary (2016) *Report on an unannounced inspection visit to police custody suites in Avon and Somerset*; HMI Constabulary (2016) *Report on an unannounced inspection visit to police custody suites in Lancashire*; and HMI Constabulary (2016) *Report on an unannounced inspection visit to police custody suites in Dorset*. London: HMIC

*ask – but sometimes you ask and it doesn't happen if they are busy. I've been held in the cells overnight three times. If you are arrested in the evening it is almost guaranteed that you will be there overnight. So you have rest period – so nothing happens. Of if you are going to court – then you stay in the cells overnight.'*

Professional interviewees told us that until recently little thought was given to the option of bailing children to return at a later time when the investigative process would be completed and arrangements could be made for an appropriate adult to arrive at the same time as the child was rearrested. All police officers and providers of AA services confirmed that consideration of this option was now encouraged and there was signs that release on bail rather than detaining children for lengthy periods during the day, or holding them overnight, was an approach that was increasingly adopted.

However, our analysis of custody records showed little evidence that consideration was routinely given the option of bail and in many cases there was no obvious reason why releasing the child to return for interview at a later time would not have been possible.

#### **Case studies (custody record analysis)**

**In one case we reviewed, a young person who was intoxicated on arrival at the police station was held for 18 hours and 14 minutes before being granted bail. He was subsequently charged when he returned to the police station.**

**In another, a 14 year old, was arrested at 10.00 and bailed at 00:12 after being in custody for 14 hours and 12 minutes. He too was later charged.**

**A further six of the cases we analysed resulted in no further action but each child was held in custody for at least seven hours, one of whom was detained for 17 hours and 45 minutes.**

Where bail is used, it is evident that children are processed quite speedily when they return to the police station, reducing the overall time spent in detention significantly as demonstrated in the case study below.

### Case study

In one case we reviewed, a 17 year old boy had previously been bailed to return to the police station at a specified time for interview. This ensured that the AA and the solicitor were available immediately. When the child arrived at the station, it took 17 minutes to arrest him and book him in. He subsequently waited 23 minutes before the interview commenced. The interview took 20 minutes, and 27 minutes after it was completed, he was bailed again. The whole process from arrest to release took 1 hour and 10 minutes.

## 7. Appropriate adult support after interview

The children we spoke to reported that non-familial AAs tended to leave the police station shortly after the interview and they were then returned to their cells awaiting the police decision, sometimes for lengthy periods, before being released. This period, post interview, would again be marked largely by an absence of any adult support independent of the police. Children were not clear about what was happening during this period and, on occasion, felt that they had effectively been forgotten about and that no-one was advocating on their behalf to speed their release.

A considerable number of YOTs who returned case level data were not able consistently to provide information on the time of release: in 87% of cases the period from arrest to release was unknown. As shown in Table 1, however, where data were available, they reinforced the view that children frequently remain in police custody for a lengthy period after the AA's arrival. (We did not request information on the time of the interview). As shown in table 16, almost half of children in receipt of a non-familial AA (48.2%) were released more than nine hours after their arrest; for more than one third (36.4%) of children, twelve hours or more elapsed before they were free to leave the police station. Forty-one children were held for in excess of 36 hours.

**Table 16**  
**Period between arrest and release for cases involving a non-familial AA**  
**(case level data)**

Period	Number of cases	Percentage of cases
0-5 minutes	6	0.5%
5 minutes to 3 hours	189	16%
3 hours – 6 hours	197	17%
6 hours – 9 hours	218	19%
9 hours to 12 hours	138	12%
12 hours to 15 hours	133	11%
15 hours to 18 hours	93	8%
18-hours to 21 hours	78	7%
21 hours to 24 hours	40	3%
24 hours to 36 hours	44	4%
36 hours to 48 hours	20	2%
48 hours plus	21	2%

Total	1,177	
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The findings should be regarded with a degree of caution given the large number of unknown data. Many of the shorter periods recorded, shown in the above table, are likely to be unusual, representing occasions where children return to the police station for a decision as to disposal, having previously been bailed and so do not reflect the experiences of children subject to an unplanned arrest. They are nonetheless an important element of the broader picture.

Of greater concern is that fifteen of the cases included in table 16 record periods of detention that are considerably above those permitted under PACE. For the purposes of calculating a mean period of detention these were omitted on the assumption that they are errors. Ignoring those cases, the average period from arrest to release was 10.6 hours. This period is longer than that established by previous research which found that, for all suspects (including adults), the mean time between detention at the police station (rather than arrest) was 8 hours and 55 minutes.<sup>31</sup>

Our analysis of custody records, though generated from a relatively small sample in just three areas, raises the prospect that this figure might be an underestimate. Where information in the record allowed the relevant calculation (25 out of 31 cases), the average period children spent in police custody (including two cases where children were charged, refused bail and held to go to court) was 16 hours and 14 minutes. Given that there appears to be no general expectation that AAs will remain with the child until they are released, the available information suggests that children will frequently experience a substantial period of time alone in a cell after the AA has left the police station.

## 9. Detention of children after charge

Where a child is refused bail after they have been charged, there is a statutory obligation on the police to transfer them to local authority accommodation; there is a reciprocal obligation on the local authority to accept the transfer and to provide accommodation. The only exceptions to this duty are where transfer is ‘impracticable’ or, in the case of a child aged twelve years or older:

*‘no secure accommodation is available and ... keeping him in other local authority accommodation would not be adequate to protect the public from serious harm from him’.*<sup>32</sup>

There is a growing acknowledgment that compliance with these legislative provisions is far from the norm. Case level data provided by YOTs adds considerably to the existing evidence in this regard. Where the case outcome was known, 2,122 children were charged with an offence. Sixty one percent of these were granted bail and 18% had bail refused. (The bail status of 453 children was not known). As shown in table 17, of those 379 children who should have been transferred to non-secure local authority accommodation unless transfer was impracticable or the criteria for secure accommodation applied, just 18 were recorded as having been transferred. Of these, five were recorded as having been placed in secure accommodation. The remainder would almost certainly have been detained at the police station until the first available court date, in most cases, in breach of the legislation.

<sup>31</sup> Kemp, V, Balmer, N and Pleasence, P (2012) ‘Whose time is it anyway? Factors associated with duration in police custody’ in *Criminal Law Review* Issue 10, 735-751

<sup>32</sup> Section 38(6)(b) Police and Criminal Evidence Act (1984)

**Table 17**  
**Bail outcomes for children charged (n=2,122)**  
**(case level data)**

<b>Outcome</b>	<b>Number</b>	<b>Percentage</b>
Granted bail	1,290	60.8%
Bail refused	379	17.9%
Not known	453	21.3%
<b>Of those known to have bail refused:</b>	<b>Number</b>	<b>Percentage</b>
Recorded as transferred to LA accommodation	18	5%
Of which recorded as transfer to secure accommodation	5	

Four of the custody records analysed involved children who were refused bail after charge. In three cases, there was a note that the local authority had not been able to provide accommodation (including one where the police had asked for secure accommodation, which was not available). In the final case, no information was provided as to why transfer did not occur.

Previous research has suggested that the failure to comply with the law can be explained by a number of factors:

- police resistance to transfer;
- unwarranted police demands for the provision of secure accommodation to be provided where the relevant criteria are not met;
- the failure of the local authorities to provide accommodation to allow transfer to take place, particularly if the child concerned is not already looked-after;  
and
- transfer frequently not being considered by any of the agencies involved.<sup>33</sup>

Since the above research was conducted, the issue of such transfer has received substantial attention. In recognition of the problem, the Home Office and the Department for Education has produced a Concordat on Children in Custody, currently in draft form, whose purpose is to encourage agencies to '*work together to ensure that legal duties are met*'. The Concordat acknowledges that children are not:

*'in a strong position to cope with the stressful and demanding nature of a night in [police] custody'.*

As shown in table 9 above, almost half of YOTs responding to the questionnaire (47%) considered that it was never part of the AA role to represent the local authority in relation to facilitating the transfer of the child to local authority accommodation where bail is refused following charge. In the case of volunteer, or contracted out, schemes, this is likely to reflect the fact that the AA is not an employee of the local authority. In other areas, the arrangements for provision of

<sup>33</sup> Bateman, T (2013) *op cit*

accommodation may be through children's social care rather than youth justice services, requiring the police to make a referral through a different route.

Professional interviewees all acknowledged that transfer of children from police detention to local authority accommodation rarely happened, although most thought that that awareness of the problem had been heightened in the recent period confirmed that progress had been made on the issue. One officer, for instance, acknowledged that police practice had been to request secure accommodation in circumstances, which he now recognised as being, contrary to the legislative provisions.

*'We are now much clearer that it is often non secure accommodation that is needed. There is now a drive from the centre to make sure we record all the phone calls on this and produce a certificate for the court if transfer doesn't happen – which it usually doesn't.'*

Protocols had, or were being, developed between the police and local authorities and in two of the areas dedicated accommodation was being made available. Most interviewees confirmed that they did not consider it part of the function of the AA to negotiate PACE transfer. However, we were told in one area that there was an expectation on the part of the AA service provider that, where it was clear that the child would be charged and refused bail, the AA would remind the police of their duty to ensure that a transfer to local authority accommodation was effected. All but two of the professionals we spoke to were aware of the draft Concordat. Most considered that publication of the final document would make it easier to put pressure on the relevant agencies to reduce the number of children held at the police station overnight. One police officer however thought that it would make little difference as the main issue was a lack of suitable accommodation.

## G. Conclusion

Children when they are in police custody are frequently at their most vulnerable. Languishing in cells for extended periods is distressing and damaging to their wellbeing. The statutory obligation on the police to secure the attendance of an AA is an important safeguard that in principle has the potential to:

- prevent mistreatment of the child by the police;
- provide independent adult support and advice during the period of detention;
- ensure that the child knows what is happening to them and understands what they are being told or asked; and
- reduce unnecessary detention to a minimum.

The requirement for youth offending teams to co-ordinate a non-familial AA service, for children whose parents cannot or are unwilling to attend (the focus of the current study), is a necessary safety net for children who lack family support.

The findings outlined in this report confirm that the provision of such services is formalised and embedded in most areas and that arrangements between the police and AA providers are well established. The research has however revealed a number of grounds for concern which, in combination, raise questions as to how effectively the AA role protects children's welfare. Most importantly:

- In many areas, the provision of AAs outside of office hours is limited and 24 hour access is far from standard
- There are considerable delays in the police making a referral for an AA. AA response are, on average, considerably shortly but nonetheless contribute to extending the period that children are in custody
- Such delays are explained at least in part by an informal understand that the primary role of the AA revolves around the police interview. Referrals and response times are typically aligned with progress in the police investigation rather than providing independent adult support throughout the period of detention
- Children frequently spend extensive periods on their own in police cells during which their wellbeing may be compromised. AAs tend not to be present for the majority of the time that children are in police custody.

Attending to children's needs has resource implications but systemic changes, such as fast tracking the processing of children in police custody and releasing them on bail whenever possible, would ensure that:

- Delays are minimised

- Children spend considerably less time unsupported in police cells
- AAs could be present for a greater proportion of the child's detention allowing AA services to better fulfil their safeguarding function
- The reduction in use of police custody would be cost effective.

The recommendations in this report, if adopted, would go a long way towards improving services to children at the police station while promoting a more efficient use of resources.

## Appendix A

### Details of interviewees

#### Young people

Location	Age	Gender	Ethnicity	Care experience
North East	16	Female	British Pakistani	Yes
North East	14	Male	White British	No
London	17	Male	White British	Yes
South East	15	Male	British Irish	Yes

#### Professionals: AA providers

Role	Region	Gender	Ethnicity
YOT Area Team Manager	North East	Female	White British
YOT -Head of Service	London	Male	White British
Private provider	London	Female	White British
YOT Bail and Remand Manager	South East	Male	White British
YOT Policy Manager	South East	Female	White British

#### Professionals: police officers

Role	Region	Gender	Ethnicity	Years of Service
Custody Sergeant	South East	Male	White British	15 years in the police force and 2 years as a custody sergeant
Inspector with responsibility for custody	Yorkshire	Female	White British	25 years in the police force and 4 years with responsibility for custody
Custody Sergeant	London	Male	White British	24 years in police force; 5 as custody officer
Inspector with responsibility for custody	London	Male	White British	28 years in police force; 3 with responsibility for custody

## Appendix B

### Details of custody records reviewed

Case no	Reason for arrest/ relevant information	Region	Age	Gender	Arrest	Arrival	Processed	Release	Outcome	Time in police custody
1	Grievous bodily harm.	South East	17	Male	14:20	15:00	N/A	21:45	NFA	7hrs 25mins
2	Theft of mobile phone.	South East	16	Male	13:30	14:00	21:50	N/A	Charged and refused bail 23:40	10hrs and 10mins until charged
3	No details	South East	13	Male	12:00	12:30	12:51	16:09	Charged and bailed	4hrs and 9mins
4	Warrant for Supplying drugs. Had taken cannabis previous evening	South East	17	Male	7:05	08:50	11:35:00 and then again 15:20	N/A	Charged for one offence at 17:45. Subsequently charged with second offence	10hrs and 40mins
5	Theft (shoplifting). First time in custody. Brother co-defendant	South East	14	Male	18:03	Not recorded	With AA 22:41	Next day at 14:09	Charged and bailed	20 hrs and 6mins
6	Assaulted of father. Had taken cannabis. A history of offending	South East	17	Male	22:45	23:05	N/A	N/A	Charged with assault x3	Unknown but stayed overnight
7	Aggravated theft of motor vehicle, involving crash of	South East	13	Male	22:14	22:42	23:10 and again at 10:40 next	Next day at 13:40	Bailed. Charged at a later date	13 hours 26 mins

	stolen vehicle. Arrested at hospital. A history of offending.						day with AA			
8	Criminal damage. History of offending. Had taken cannabis. Suicidal ideation and mental health needs	South East	14	Male	15:45	16:03	Not recorded	Not recorded	Unknown but stayed overnight	Unknown
9	Burglary	South East	14	Male	10:00	10:45	11:18	00:12	Bailed. Charged at a later date	14hrs 12mins
10	Threats to kill and failing to appear at court. Had taken cannabis. A history of offending.	South East	16	Male	13:45	14:15	15:00 and again with AA 16:42	Bailed the next morning	Charged ad held on warrant to attend court 20:00	Unknown
11	Breach of criminal behavioural order. Had taken cannabis and consumed alcohol. Had not eaten properly for a week	South East	17	Male	12:40	12:55	14:15 and again with AA 18:18	22:47	Charged and bailed	10hrs 27mins
12	No details	South East	17	Male	12:03	3 months later arrested at front desk, no time recorded	12:20	13:30	Charged and bailed	Unknown – 1hr and 10mins between being processed and charged/bailed

13	No offence details. First time in custody	South East	15	Male	11:10	11:43	12:30	22:40	NFA	11hrs 30mins
14	Criminal damage	South East	16	Male	5:00	05:20	05:26 and refused rights at 5:29	13:12	NFA - insufficient evidence	8hrs 12mins
15	Burglary and wanted on warrant.	North East	16	Male	14:15 and at 11:50 the next day for warrant	14:35	15:22	N/A	ID parade 13:14 the next day. Held on warrant to attend court the next. Transferred to 16secure accommodation	23hrs 58mins until taken to court
16	Theft	North East	15	Male	23:35	23:50	00:00	Next day at 13:08	NFA - insufficient evidence. Decision taken at 12:25 but not released until 13:08	13 hrs 33 mins
17	Theft	North East	17	Male	3:40	03:55	04:38	15:02	N/A	11hrs 22mins
18	Drugs offences Was intoxicated. Self harmed by banging head on cell wall.	North East	16	Female	23:40	Next day at 0.04	00:35	17:54	Bailed. Charged at a later date charge	18hrs 14mins
19	Burglary	North East	14	Male	23:53 (and	Next day at 00:25	00:59	17:38	Bail	17hrs 45mins

					next day at 00:15 and 15:53)					
20	Theft of a motor vehicle. Failure to stop when requested by police	North East	17	Female	2:30	03:00	03:28	17:51	Charged and bailed	15hrs 21mins
21	Burglary	North East	16	Male	11/11 6:20	07:00	07:10	Initially at next day at 1:17 then again later on that day so must have come back to be charged	Charged and bailed	18 hrs 17mins
22	Possession of cannabis and breach of ASBO	North East	13	Male	14:25	14:40	15:17	Next day at 13:02	Charged and bailed	22hrs 37mins
23	Burglary and possessing a firearm	North East	17	Male	12:45	13:11	13:20	Next day at 23:32	Charged and bailed	1day 10hrs 21mins
24	Possession of offensive weapon. Further arrested in custody for assault	North East	14	Male	18:22	18:45	19:08 - spat at officers	Next day at 19:16	Charged at 19:02 and bailed	24 hrs 52mins

	police x 2 (spitting at two officers) and criminal damage (kicking cell door). Was head banging in cell.									
25	Assault police. Reported missing and considered at risk of CSE and has previously been in secure care. When located by police attempted to escape and kicked and punched officer	North East	17	Female	19:34	19:50	21:32	Next day at 12:05	Bailed. Bail subsequently cancelled because complied with all conditions of a community resolution	16 hrs 31mins
26	Robbery and theft. Offences against foster carer	London	13	Male	00:02	00:25	00:40	18:42	No further action	18 hrs 40 mins
27	Criminal damage	London	12	Female	13:19	14:47	15:00	19:07	Bailed – subsequently no further action	5 hrs 48 mins
28	Possession of offensive weapon	London	14	Male	10:30	11:06	11:13	21:19	Bailed for conditional caution	10 hrs 49 mins
29	Robbery and Affray	London	16	Male	08:49	09:43	09:45	Taken to court 2 days	Charged and bail refused. No	

								later – at 8:38	information on why transfer did not occur	47 hrs 49 mins until taken court
30	Criminal damage	London	15	Male	11:00	11:37	11:41	20:38	Charged with bail	9 hrs 38 mins
31	Grievous bodily harm/ firearms offences. Officers stayed with young person to prevent loss of forensic evidence	London	15	Male	16:30	17:05	17:07	Taken to court two days later	Charged and bail refused. Police requested secure accommodation – none available	Approximately 40 hrs until taken to court

Case no.	Time between arrest and being initially processed	Time between processing and interview	Time between solicitor being contacted and solicitor arriving	Time spent in interview	Time between end of interview and release	Referral to AA recorded?	Arrival of AA recorded?	Number of meals offered	Number of meals accepted
1	Unknown	Unknown	Unknown	Unknown	Unknown	No	No	1	0
2	8hrs 30mins	Unknown	Unknown	Unknown	1hr until charged without bail	No	Yes	1	0
3	51mins	1hr 25mins	Unknown	37mins	1hr 16mins	No	Yes	1	1
4	4hrs 30mins	3hrs 4mins	Unknown	45mins	2hrs 39mins until charged	Yes	No	3	0
5	6hrs 38mins	13hrs 27mins	2hrs 6mins	Unknown	Unknown	No	Yes	3	1
6	Unknown	Unknown	Unknown	1hr 1min	Unknown	Yes	Yes	2	0
7	56mins	11hrs 8mins	Unknown	55mins	2hrs	Yes	No	2	0
8	Unknown	Unknown	Unknown	23mins	Unknown	No	Yes	1	1
9	1hr 18mins	Unknown	8hrs 43mins	Unknown	Unknown	No	Yes	1	0
10	1hr 15mins	3hrs 8mins	Unknown	35mins	1hr 15mins until charged	No	Yes	2	1
11	1hr 35mins	4hrs 37mins	Unknown	38mins	3hrs 17mins	No	No	No record	No record
12	17mins	23mins	Unknown	20mins	27mins	No	Yes	1	1
13	1 hour 20mins	7 hours 33mins	Unknown	24mins	2hrs 13mins	Yes	Yes	1	1

14	29mins	6 hrs 21mins	Unknown	23mins	1hr 2mins	No	Yes	1	0
15	1hr 7mins	20hrs 14mins	Unknown	51mins	47mins until charged	Yes	Yes	2	1
16	25mins	11hrs 25mins	Unknown	Unknown	Unknown	Yes	Yes	1	0
17	58mins	5hrs 7mins	Unknown	Unknown	Unknown	Yes	Yes	2	2
18	55mins	15hrs 54mins	2hrs 30mins	Unknown	Unknown	Yes	Yes	2	0
19	1hr 6mins	14hrs 44mins	1hr 14mins	Unknown	Unknown	Yes	Yes	2	1
20	58mins	10hrs 13mins	Unknown	Unknown	Unknown	No	Yes	3	1
21	50mins	1 day 8hrs 32mins	Unknown	Unknown	9hrs	Yes	Yes	1	0
22	52mins	19hrs 36mins	Unknown	35mins	Unknown	No	Yes	2	2
23	35mins	22hrs 24 mins	Unknown	Unknown	Unknown	No	Yes	2	1
24	46mins	19hrs 39mins	4hrs 56mins	Unknown	Unknown	No	Yes	2	2
25	1hr 58mins	13hrs 59 mins	Unknown	Unknown	Unknown	Yes	Yes	2	2
26	38 mins	11 hrs 34 mins	11 hrs 17 mins	41 mins	5 hs 47 mins	No	Yes	5	3
27	1 hr 41 mins	3 hrs 1 min	Unknown	21 mins	45 mins	No	No	2	1
28	43 mins	8 hrs 37 mins	3 hrs 29 mins	48 mins	41 mins	No	No	2	0

29	56 mins	8 hrs 31 mins	4 hrs 14 mins	45 mins	37 hrs 37 mins before taken to court	No	Yes	7	6
30	41 mins	5 hrs 8 mins	1 hr 55 mins	33 mins	3 hrs 16 mins	No	Yes	2	2
31	37 mins	20 hrs 20 mins	Unknown	1 hr 12 mins	Approximately 14 hrs before taken to court	No	Yes	5	5



# Appendix C

## Data request

### Part 1: Questionnaire on your Appropriate Adult Provision

#### 1. Your details

Please provide details of your youth offending team and the named person(s) who we can contact regarding this information request if necessary. This information is for our reference only, and will not be shared externally.

Your region	Choose your region
Area(s) covered by your team	Click here to enter text.
Name of contact person(s)	Click here to enter text.
E-mail address of contact person(s)	Click here to enter text.
Telephone number of contact person(s)	Click here to enter text.

#### 2. About your appropriate adult provision

Please complete the following questionnaire on your youth offending team's appropriate adult provision for children in police custody. The questions cover: A. models of provision, B. service provision policies, C. the appropriate adult referral and provision process, and D. the appropriate adult role.

##### A. Model(s) of Provision: Organisational Details

**A1.** Which of the following models most accurately describes your youth offending team's provision of appropriate adult services for children in police custody? For each time period of the week, please tick all that apply.

Model of provision:	Delivered in-house by paid staff	Delivered in-house by volunteers	Commissioned from private sector provider	Commissioned from not-for-profit organisation using volunteers	Commissioned from not-for-profit organisation using paid staff
<b>Time period of week</b>					
Appropriate adult provision during the "day time" on week days	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Appropriate adult provision during "out of hours" on week days	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Appropriate adult provision at weekends and holidays	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**A2.** Please outline the details of your service providers (i.e., organisation/team name of the service providers):

**A3.** Is the time coverage of your appropriate adult scheme(s) 24 hours on week days and weekends (including holidays)? Please tick “Yes” or “No.”

	<b>Yes</b> <u>Service provided 24 hrs</u>	<b>No</b> <u>Service not provided 24 hrs</u>
<b>Week Days</b>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Weekends/Holidays</b>	<input type="checkbox"/>	<input type="checkbox"/>

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>> If you selected “No” in the question above (A3), please proceed to the next question (A4). <<  
>> Otherwise, skip to question A7. <<

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**A4.** Where appropriate adult service(s) are not provided for 24 hours, please provide the start time and end time of your appropriate adult provision(s):

	<u>Start Time</u>	<u>End Time</u>
<b>Week Days</b>	Click here to enter text.	Click here to enter text.
<b>Weekends/Holidays</b>	Click here to enter text.	Click here to enter text.

**A5.** Where appropriate adult service(s) are not provided for 24 hours, please tell us why. Please tick all reasons that apply.

- Lack of / limited resources
- Lack of availability of appropriate adults
- Ensuring children’s entitlement to rest periods
- Other

If you selected "Other", please outline the reasons below:

**A6.** Where appropriate adult service(s) are not provided for 24 hours, please describe what happens in terms of appropriate adult provision to children in police custody during those times not covered by the scheme:

**A7.** Do you provide appropriate adult service(s) to children who reside *outside* of the area(s) covered by your team, detained at police stations within your area(s)? Please tick one option.

<b>Yes: Always</b>	<b>Yes: Sometimes</b>	<b>No: Never</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If you selected "Yes: Sometimes," please explain below:

**A8.** Do you provide appropriate adult service(s) to children who reside *within* area(s) covered by your team, detained at police stations situated outside of your area? Please tick one option.

<b>Yes: Always</b>	<b>Yes: Sometimes</b>	<b>No: Never</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If you selected "Yes: Sometimes," please explain the service provision situation:

**B. Service Provision Policies**

**B1.** Do you have written policies on referral criteria for your appropriate adult service(s)? Please tick all that applies.

	Yes	No
For services provided during the "day time" on week days	<input type="checkbox"/>	<input type="checkbox"/>
For services provided during "out of hours" on week days	<input type="checkbox"/>	<input type="checkbox"/>
For services provided on weekends	<input type="checkbox"/>	<input type="checkbox"/>

---

! If you selected "Yes" to any of the above, please return your written policy criteria along with this survey.

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**B2.** Where there are written policies on referral criteria, does the written policy form the basis of an agreed protocol with the police?

Yes	No
<input type="checkbox"/>	<input type="checkbox"/>

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! If the agreed protocol with the police is outlined in a separate document, please return this protocol policy document along with this survey.

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**B3.** Where there are no written policies on referral criteria for any of your schemes, please describe the circumstances in which referrals are made to your appropriate adult scheme(s) will be accepted. If the circumstances are the same for each time period of the week, please state “as above” or “as below.” If you have written policies on referral criteria for all your appropriate adult services, please skip to the next question.

Referral circumstances during “day time” on week days:

Referral circumstances during “out of hours” on week days:

Referral circumstances during the weekend:

**B4.** Would you expect that the police make efforts to encourage parents/carers to attend as an appropriate adult before making a referral to your scheme(s) to provide an appropriate adult?

<b>Yes: Always</b>	<b>Yes: Sometimes</b>	<b>No: Never</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**B5.** Would your service make independent efforts to encourage parents/carers to attend as an appropriate adult before agreeing to provide an appropriate adult?

<b>Yes: Always</b>	<b>Yes: Sometimes</b>	<b>No: Never</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If you selected “Yes: Always” or “Yes: Sometimes,” please describe the steps that would usually be taken to encourage parental/guardian attendance:

**B6.** In the last year, have you encountered any barriers in encouraging parents/carers to attend within your area?

<b>Yes</b>	<b>No</b>
<input type="checkbox"/>	<input type="checkbox"/>

**B7.** If you selected “Yes” to the question above, please select whether you have encountered the following barriers in the last year in encouraging parents/carers to attend as an appropriate adult. Please select all that apply.

**Yes – have encountered**

Unable to contact parents/carers	<input type="checkbox"/>
Parents/carers at work	<input type="checkbox"/>
Parents/carers unable to attend due to childcare commitments	<input type="checkbox"/>
Parents/carers have no access to transport	<input type="checkbox"/>
Police station not easily accessible by parents/carers	<input type="checkbox"/>
Parents/carers refusing to attend	<input type="checkbox"/>
Parents/carers not eligible to be appropriate adults (i.e., witness, victim, otherwise implicated in the offence, have insufficient level of understanding)	<input type="checkbox"/>

If there are any other type(s) of barriers you have encountered in encouraging parents/carers to attend as an appropriate adult, please outline these below:

**C. Appropriate Adult Referral and Provision Process**

**C1.** Which of the following best describes the usual referral process for appropriate adults in your area?

	Police refer to youth offending team	Police refer to another section of local authority	Police refer directly to the appropriate adult provider	Other
<b>Time period of week</b>				
Appropriate adult provision during the "day time" on week days	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Appropriate adult provision during "out of hours" on week days	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Appropriate adult provision at weekends and holidays	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If you selected "Other" for any of the above, please briefly describe the referral process:

**C2.** Which of the following best describes the point at which the referral for an appropriate adult is usually made?

	At the point of arrest	As soon as the police have established that parents / carers will not / are unable to attend	When the police have an estimated time of arrival for the solicitor	When the police have an estimated time for the interview	Other
<b>Time period of week</b>					
Appropriate adult provision during the "day time" on week days	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Appropriate adult provision during "out of hours" on week days	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Appropriate adult provision at weekends and holidays	<input type="checkbox"/>				
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If you selected "Other" for any of the above, please briefly outline the point of referral:

**C3.** Which of the following best describes the point at which an appropriate adult is usually provided?

As soon as possible after the referral	Within an agreed timescale following the referral	At the point when the child's solicitor arrives	At the time of the interview	Other
--	---	---	------------------------------	-------

<u>Time period of week</u>					
Appropriate adult provision during the "day time" on week days	<input type="checkbox"/>				
Appropriate adult provision during "out of hours" on week days	<input type="checkbox"/>				
Appropriate adult provision at weekends and holidays	<input type="checkbox"/>				

If you selected "Other" for any of the above, please briefly when the appropriate adult is usually provided:

**D. Appropriate Adult Role**

**D1.** Does your service insist on the child having legal representation?

Yes: Always	No: Depends on the circumstances	No: It's up to the child/young person
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If you selected "No: Depends on the circumstances," please explain below:

**D2.** Which of the following activities would the appropriate adult be expected to undertake as a matter of routine?

	Always	Sometimes	Never
Ensuring that the child understands their rights	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ensuring that the child has adult support for as much of their period in custody as possible before the interview	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ensuring that the child understands what is being said to them by the police and their legal representative	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Providing the child with advice in relation to the offence	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sitting in the police interview	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Intervening in the police interview to prevent unfair or oppressive questioning	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Advocating on behalf of the child in relation to the police decision (i.e., to argue for triage / community resolution / no further action)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Advocating on behalf of the child with the police in relation to bail	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Representing the local authority in relation to offering to support conditions of bail where appropriate (e.g., bail support)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representing the local authority in relation to facilitating the transfer of the child to local authority accommodation where bail is refused following charge	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ensuring that arrangements are in place for the child to get home following release	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Escorting the child home	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Remaining with the child until they are released	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alerting children's services to any safeguarding concerns	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alerting the youth offending team to any criminal justice outcome, pending court appearance or return to the police station	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If you selected "Sometimes" to any of the above, please elaborate below:



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