

# **Appropriate Adults**

## **Guidance for Local Authorities**

**January 2020**

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# 1. Introduction and background

## Introduction

1.1 This statutory guidance is published by the Scottish Ministers under [the Criminal Justice \(Scotland\) Act 2016](#) (“the 2016 Act”) and contains information for local authorities pertaining to the delivery of Appropriate Adult services and related training duties. Local authorities must have regard to this guidance when undertaking these functions. Those using this guidance are advised to have an awareness of the relevant legislation and seek their own legal advice as required.

1.2 Sections 99 to 101 of the 2016 Act allow Ministers to confer the functions of:

- ensuring the availability of Appropriate Adults;
- the assessment of quality of Appropriate Adult support; and
- the training of Appropriate Adults.

1.3 [The Criminal Justice \(Scotland\) Act 2016 \(Support for Vulnerable Persons\) Regulations 2019](#) (“the 2019 Regulations”) confer the functions referred to above.

## Policy context

1.4 Appropriate Adults provide communication support to vulnerable victims, witnesses, suspects and accused persons, aged 16 and over, during police investigations. The first Appropriate Adult service in Scotland was established in 1991 following a Scottish Home and Health Department Circular, which gave guidance to Chief Constables regarding the procedures to be adopted. In 1998 the Scottish Office issued “Guidance on Appropriate Adult Services”, which encouraged the establishment of such services across Scotland. Appropriate Adult services thereafter operated on a non-statutory basis across Scotland until the functions set out above were conferred by the 2019 Regulations.

1.5 The development of a sustainable Appropriate Adult service with national oversight to promote consistency is seen as necessary in supporting the commencement of a new duty in Section 42 of 2016 Act which requires the police to request support for vulnerable individuals in their custody.

1.6 The model for a statutory service was developed in consultation with a range of stakeholders, including cross-policy representatives from Scottish Government, local authorities, Appropriate Adult services, criminal justice partners, third sector organisations, academics and health specialists. The model which was developed was then publically consulted on, with the responses from the consultation feeding into further development of the model.

1.7 This work resulted in the functions in the 2016 Act being conferred as follows:

<i>Duty</i>	<i>Responsible body</i>
Delivery	Local authorities
Training	Local authorities
Quality Assessment	Care Inspectorate

## Legislation

1.8 The primary legislation is [the Criminal Justice \(Scotland\) Act 2016](#) (“the 2016 Act”). Part 1 of the 2016 Act, which includes section 42, as set out below, applies to Police Scotland and other forces with power of arrest in Scotland.<sup>1</sup>

1.9 The following sections summarise the relevant provisions in the 2016 Act for the information of local authorities:

### ***Section 42 – Support for vulnerable persons in police custody***

1.10 Section 42 of the 2016 Act places a duty on the police to facilitate support for vulnerable persons in police custody.

1.11 Section 42(1) applies where:

- a person is in police custody,
- a constable believes that the person is aged 16 or over, and
- owing to a mental disorder, the person appears to the constable to be unable to
  - understand sufficiently what is happening, or
  - communicate effectively with the police.

1.12 The meaning of mental disorder is taken from [Section 328 of the Mental Health \(Care and Treatment\) \(Scotland\) Act 2003](#) and includes any:

- mental illness;
- personality disorder; or
- learning disability

however caused or manifested.

1.13 Section 42(3) defines the support that the police should provide for the vulnerable person as being support to:

- help the person in custody understand what is happening, and
- facilitate effective communication between the person and the police.

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<sup>1</sup> For the application of the provisions of the 2016 Act to arrest by forces other than Police Scotland, including immigration officers, designated customs officials, officers of Revenue and Customs, Ministry of Defence Police, British Transport Police and the Civil Nuclear Constabulary, and the arrest by the police for service offences, see the relevant provisions of the [Criminal Justice \(Scotland\) Act 2016](#) (Consequential Provisions) Order 2018/46. For the application of the 2016 Act to the Police Investigations and Review Commissioner, see the [Police Investigations and Review Commissioner \(Application and Modification of the Criminal Justice \(Scotland\) Act 2016\) Order 2017/465](#).

1.14 As well as applying to constables of Police Scotland, section 42 of the 2016 Act also applies (where the vulnerable person is in custody) to

- investigations staff designated by the Police Investigations and Review Commissioner (PIRC)<sup>2</sup>

and the following persons when operating in Scotland<sup>3</sup>:

- members of the Ministry of Defence Police
- constables of the British Transport Police
- members of the Civil Nuclear Constabulary
- immigration officers (for an immigration or nationality offence)
- designated customs officials
- officers of Revenue and Customs

### ***Section 98 – Meaning of Appropriate Adult support***

1.15 Section 98 of the 2016 Act sets out the definition of Appropriate Adult support as being the type of support outlined in section 42(3) of the 2016 Act, and the 2019 Regulations have extended this to include support at any stage during a police investigation for victims, witnesses and those suspected or accused of committing an offence.

### ***Section 99 – Responsibility for ensuring availability of Appropriate Adults***

1.16 Section 99 of the 2016 Act enables Scottish Ministers to confer a duty on a person to deliver Appropriate Adult services in Scotland. This duty has been placed on local authorities to the extent that each local authority has the function of ensuring that people are available to provide Appropriate Adult support when it is required within that local authority area.

1.17 Local authorities have a duty to provide Appropriate Adult services to the police when intimation is made under section 42(2) of the 2016 Act (i.e. for persons in custody) and when intimation is made under regulation 3(1)(c) of the 2019 Regulations (i.e. when Appropriate Adult support is requested at any stage during a police investigation for victims, witnesses and those suspected or accused of committing an offence).

1.18 Local authorities also have a duty to provide Appropriate Adult services to the other persons to which section 42 of the 2016 Act applies - which are listed in paragraph 1.14 above - when intimation is made under section 42(2) of the 2016 Act (i.e. for persons in custody). All sections of this guidance which refer to local authorities providing Appropriate Adult support to the police **for persons in custody** are also applicable when relevant requests are made by these other persons.

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<sup>2</sup> By virtue of the [Police Investigations and Review Commissioner \(Application and Modification of the Criminal Justice \(Scotland\) Act 2016\) Order 2017/465](#)

<sup>3</sup> By virtue of Articles 6 and 7 and schedules 2 and 3 of the [Criminal Justice \(Scotland\) Act 2016 \(Consequential Provisions\) Order 2018/46](#)

1.19 Regulation 4(2) in the 2019 Regulations allows for local authorities to enter into contracts with others when delivering Appropriate Adult services. This means that local authorities can work in partnership with other local authorities / organisations and can enter into contracts with third parties to deliver Appropriate Adult services.

1.20 The responsibility to ensure that people are available to provide the support always rests with the local authority where the police procedure is taking place. However, by way of example, if a request for Appropriate Adult support relates to a person who is resident in a different local authority area to where the police procedure is taking place, then a contract entered into under regulation 4(2) might allow for the Appropriate Adult to be provided by the local authority where the person is resident.

1.21 Entering into contracts with others does not relieve the local authority of the overall responsibility for the function in its own area. If a local authority enters into a contract with another person, the local authority should ensure that the other person is under an obligation to have regard to this guidance to the extent that it is relevant.

### ***Section 100 – Assessment of the quality of Appropriate Adult support***

1.22 Section 100 of the 2016 Act enables Scottish Ministers to confer a duty to assess the quality of Appropriate Adult services. This duty has been placed on Social Care and Social Work Improvement Scotland (commonly known as “the Care Inspectorate”).

### ***Section 101 – Training for Appropriate Adults***

1.23 Section 101 of the 2016 Act enables Scottish Ministers to confer a duty to provide training for Appropriate Adults. This duty has been placed on local authorities. As set out in section 4 of this guidance, “Training Appropriate Adults”, it is expected that the management structure of the Appropriate Adult service will have involvement in this function.

1.24 Regulation 6(2) in the 2019 Regulations allows for local authorities to enter into contracts with others when undertaking the training function. This means that local authorities can work in partnership with other local authorities / organisations and can enter into contracts with third parties to provide training to Appropriate Adults.

1.25 Entering into contracts with others does not relieve the local authority of the overall responsibility for the function in its own area. If a local authority enters into a contract with another person, the local authority should ensure that the other person is under an obligation to have regard to this guidance to the extent that it is relevant.

## **2. Police responsibilities and procedures**

2.1 The decision to request Appropriate Adult support lies with the police and local authorities must ensure that people are available to provide such support when the police request it.

2.2 The following sections set out steps that the police are expected to take in relation to Appropriate Adult requests and are included in this guidance for information for local authorities.

### **Criteria for requesting an Appropriate Adult**

2.3 As set out in the 2016 Act and summarised in paragraphs 1.10 to 1.14, above, the police must provide support for persons in custody who are unable to understand sufficiently what is happening or communicate with the police because of a mental disorder<sup>4</sup>. In practice, this support is provided by an Appropriate Adult.

2.4 While the duty on the police in section 42 of the 2016 Act relates specifically to vulnerable adults in police custody, the police also use Appropriate Adult services to provide the support outlined in section 42 of the 2016 Act for all vulnerable adults who require it during police investigations, including victims and witnesses.

2.5 The term “mental disorder” covers a wide range of illnesses and conditions, including autism spectrum disorder, attention deficit hyperactivity disorder (ADHD), acquired brain injury (including alcohol related brain damage) and dementia.

2.6 Appropriate Adults should not be requested for individuals whose communication and/or understanding is impaired solely due to the influence of alcohol or drugs at the time of involvement with the police, or solely due to physical impairments or language barriers (i.e. situations where an interpreter is required). An Appropriate Adult should be requested, however, if a person who requires the assistance of an interpreter also meets the criteria set out in the relevant sections of the 2016 Act.

2.7 It is recognised that not all individuals who may require Appropriate Adult support will have a formal diagnosis, nor may they be able or willing to share any diagnosis with the police. In circumstances where a diagnosis cannot be confirmed but it is clear that the individual cannot understand procedures or communicate effectively with the police, and that the cause of such difficulty is not solely because of substance use/intoxication, then Appropriate Adult support should be requested.

2.8 Communication or comprehension issues related to mental health can be fluid and change relative to circumstances, so an individual who requires an Appropriate Adult on one occasion may not require such support if they come into contact with the police again. Similarly, an individual who has a mental disorder may not experience any communication or comprehension difficulties during the course of their contact with the police, so an Appropriate Adult may not be required.

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<sup>4</sup> “Mental disorder” as defined in [section 328 of the Mental Health \(Care and Treatment\) Scotland Act 2003](#)

2.9 If an officer believes that a person requires an Appropriate Adult and that person declines this assistance, an Appropriate Adult should still be requested and given the opportunity to explain their role to the person. If, after meeting the Appropriate Adult, the person still refuses this service it is for the police to decide how to proceed.

2.10 In all cases where consideration has been given to an Appropriate Adult but one is not used, the reason for this should be recorded by the police.

2.11 Appropriate Adults do not provide support for children aged under 16, but should be used for 16 and 17 year olds who are deemed by certain legislation to be children while under the age of 18 (for example, under the Human Trafficking and Exploitation (Scotland) Act 2015), or are subject to Compulsory Supervision Orders, if they meet the definition of a “vulnerable person” as set out in the 2016 Act.

2.12 Appropriate Adults should not be requested for individuals who lack capacity, as defined in the [Adults with Incapacity \(Scotland\) Act 2000](#)<sup>5</sup>. If an Appropriate Adult attends a request and feels that this definition applies to the person they are supporting the Appropriate Adult should relinquish their participation and the police should obtain assistance from a relevant specialist.

## **Procedures**

2.13 There is no exhaustive list setting out police procedures which an Appropriate Adult should attend and local authorities have a duty to meet all relevant requests from the police for Appropriate Adults.

2.14 Police Scotland is currently reviewing and updating the Standard Operating Procedures (SOP) document which relates to Appropriate Adults. This guidance will be updated to include a link to the relevant SOP when it is published.

2.15 Police should be present during all contact between the Appropriate Adult and the person who is being supported.

2.16 If a person requires Appropriate Adult support, the relevant police procedure should not begin until the Appropriate Adult is present, and the Appropriate Adult should be given an opportunity to speak with the person they are supporting, in the presence of the police, before any procedures begin.

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<sup>5</sup> Section 1(6) of the [Adults with Incapacity Act \(Scotland\) 2000](#) states that “adult” means a person who has attained 16 years of age, and “incapable” means incapable of acting, making decisions, communicating decisions, understanding decisions or retaining the memory of decisions by reason of mental disorder or of inability to communicate because of physical disability. A person does not fall within this definition by reason only of a lack or deficiency in a faculty of communication if that lack or deficiency can be made good by human or mechanical aid (whether of an interpretative nature or otherwise).



2.17 Procedures should only commence before an Appropriate Adult arrives where a delay may lead to the interests of justice being defeated. If any procedures do commence before an Appropriate Adult arrives, any information about rights and entitlements should be repeated to the person who is being supported, in the presence of an Appropriate Adult.

2.18 Section 33(2)(c) of the 2016 Act provides that a person in custody who is entitled to Appropriate Adult support cannot consent to being interviewed without having a solicitor present. It is for the police to decide on what course of action to take if there are any issues in relation to this provision.

2.19 A witness statement should be noted by the police at the conclusion of the Appropriate Adult's involvement in proceedings and any notes made by the Appropriate Adult should be taken as a production by the police. If the Appropriate Adult attends for proceedings that take place on another date or dates as part of the same case, then an addendum statement or statements should be noted.

### **3. Delivery of Appropriate Adult services**

3.1 Local authorities are responsible for ensuring the availability of Appropriate Adults across Scotland and must have regard to the guidance in this section when undertaking this function. If a local authority enters into a contract with another person, the local authority should ensure that the other person is under an obligation to have regard to this guidance to the extent that it is relevant.

3.2 Providing the appropriate intimation has been sent, local authorities have a duty to ensure that people are available to provide Appropriate Adult support at any stage during a police investigation for victims, witnesses and those suspected or accused of committing an offence when requested to do so by the police.

3.3 Local authorities also have a duty to ensure that people are available to provide Appropriate Adult support where intimation has been sent in accordance with section 42(2) of the 2016 Act (i.e. for persons in custody) by any other person who has a duty under section 42 to facilitate the provision of Appropriate Adult support (mentioned in paragraph 1.14 above).

#### **Management of Appropriate Adult services**

##### **Structure of Appropriate Adult Services**

3.4 The 2019 Regulations allow flexibility for local authorities to tailor services to suit local needs. Specifically, regulation 4(2) in the 2019 Regulations allows local authorities to work in partnership with other local authorities / organisations and enter into contracts with third parties to deliver Appropriate Adult services on behalf of the local authority.

3.5 Local authorities should ensure that Appropriate Adult services have a management structure in place to support, supervise and develop the local Appropriate Adult service. The following management structure is suggested as an example of good practice:

##### **Steering / Management Group**

The remit of the steering / management group should include responsibility for:

- setting the Appropriate Adult service budget
- policy development, including -
  - recruitment
  - training
  - confidentiality
  - health and safety
  - insurance
  - complaints
- approval of local inputs for national reports

## Appropriate Adult Service Coordinator (or equivalent)

The role of the Service Coordinator should include:

- managing the day-to-day operation of the service
- administering the service
- coordinating the Office Hours and Out of Hours services
- recommending and administering the budget
- recruitment of Appropriate Adults, including PVG applications
- implementing training in accordance with this guidance
- coordinating monitoring and evaluation of the service
- operating a complaints procedure
- chairing Appropriate Adult meetings
- reporting to the Steering/Management Group
- attending local and national meetings to sustain the development of the service
- engaging with local stakeholders to raise awareness of the service and the role of the Appropriate Adult
- producing local inputs for national reports

3.6 The management structure should be responsible for ensuring that Appropriate Adults are given support and advice in relation to the role, including access to specialist support such as counselling.

3.7 Each individual local authority involved in the delivery of the local Appropriate Adult service should be involved in the management structure. For example, if a number of local authorities deliver a service in partnership, all local authorities should be represented on the management structure. Similarly, if a local authority enters into a contract with a third party, the local authority should be represented in the management structure of the Appropriate Adult service.

3.8 Appropriate Adult services should be seen in the context of a framework of services that provide support for vulnerable adults in the areas of criminal justice, health and social care. In this regard, it is recommended that as well as including the local authority, the management structure of Appropriate Adult services is multi-agency and involves, for example, representatives from the police, NHS and other organisations who have a role to play in adult protection.

### **Recruitment**

3.9 It should be the responsibility of the management structure in each area to recruit, develop and maintain a team of Appropriate Adults proportionate to levels of demand. The management structure should ensure that all Appropriate Adults who are recruited meet the criteria set out below and that there is a commitment to equality, inclusivity and diversity in terms of recruitment.

3.10 The criteria are:

- experience (in a professional, voluntary or personal capacity) of working with adults who have a mental illness, personality disorder, learning disability or related condition
- experience of assisting vulnerable adults with communication
- successful completion of nationally recognised training
- be a member of the PVG scheme (enhanced disclosure)

3.11 Individuals who apply to become Appropriate Adults should be made aware that they may have to assist in circumstances which they may find distressing and challenging, and may also have to attend court as a witness.

### **Fulfilling requests for Appropriate Adults**

3.12 The exact process for requesting Appropriate Adults will vary across the country, but local procedures are expected to be developed in consultation with all relevant agencies and consistently adhered to by the police and Appropriate Adult services.

3.13 The police should ensure that all information pertinent to the request is passed to the Appropriate Adult service and, upon receipt of the request, the Service Coordinator (or equivalent) should identify the most suitable Appropriate Adult to attend.

3.14 The Service Coordinator (or equivalent) should ensure that any requests from the police which include a requirement relating to the sex of the required Appropriate Adult are fulfilled appropriately wherever possible.

3.15 In order to avoid conflicts of interest between the Appropriate Adult and the person they are supporting a person should not act as an Appropriate Adult for an individual in the following circumstances:

- if they have a professional relationship with the person (e.g. social worker and current client; advocacy worker)
- if they have a personal relationship with the person (e.g. relative, friend, carer)
- if they are acting as an Appropriate Adult for an accused person or suspect they cannot support a victim or witness in the same case, and vice versa

3.16 If there has been a previous relationship the Appropriate Adult should bring this to the attention of Service Coordinator (or equivalent), who should then decide whether or not that Appropriate Adult should attend the request, and this decision should be recorded.

3.17 Appropriate Adults can attend requests for multiple victims or witnesses in the same case.

3.18 It is considered best practice to try to ensure consistency in cases where an Appropriate Adult is required for procedures involving the same individual on

different dates. In such circumstances, the same Appropriate Adult should, if possible, attend all requests relating to an individual during the police investigation.

## **Complaints**

3.19 All Appropriate Adult services should have a complaints procedure which is accessible and available to all individuals and organisations who come into contact with Appropriate Adults.

3.20 If the person who is being supported, the police or any other professionals have concerns about the Appropriate Adult's conduct this should be reported to the Service Coordinator (or equivalent) as soon as possible. The management structure should ensure that all complaints are investigated and resolved in a timely manner and in accordance with the local complaints procedure.

## **Data Protection**

3.21 Each local authority is responsible for ensuring that its Appropriate Adult service complies with relevant data protection legislation.

3.22 Local authorities should have clear policies governing information processed by Appropriate Adults. This should include policies pertaining to information storage and use of local authority IT systems by Appropriate Adults, as well as information sharing protocols between the Appropriate Adult service and other local authorities, local authority departments, the police and other external bodies and organisations.

## **Appropriate Adults – Role and Procedures**

3.23 The following sections set out what is expected in terms of persons carrying out the role of Appropriate Adult. Local authorities should have regard to these sections when discharging the functions of delivering Appropriate Adult services and training Appropriate Adults.

### **Role of the Appropriate Adult**

3.24 The 2016 Act and the 2019 Regulations define support for vulnerable persons as being to:

- help the person understand what is happening, and
- facilitate effective communication between the person and the police.

3.25 Appropriate Adults are responsible for providing this support. In order to do this effectively, an Appropriate Adult should:

- identify how the person's communication needs may impact on their understanding of proceedings
- actively raise any concerns about person's communication needs or welfare with the police or other relevant individuals
- ensure, as far as possible, that the person understands their rights
- remain independent and objective at all times

3.26 When carrying out this role, an Appropriate Adult is expected to:

- have an awareness of police procedures
- be able to explain the role of an Appropriate Adult and convey information about proceedings in a manner appropriate to the needs of person they are supporting
- ensure, as far as possible, that the police and any other relevant individuals are aware of information that assists with the facilitation of communication
- where applicable, ensure, as far as possible, that the person is able to give informed consent to procedures
- be aware of and follow local arrangements and protocols

3.27 Appropriate Adults are not professionally qualified to provide a formal assessment of an individual's health or communication abilities. If the police believe that such an assessment is required then they should consult with a relevant specialist. If an Appropriate Adult feels that someone requires more support to understand what is happening than they can provide, or feels unable to facilitate effective communication between the person and police, they should inform the police of this so that steps can be taken by the police to secure the right type of assistance.

### **Attending a request**

3.28 Identification badges should be issued to and worn by Appropriate Adults at all times when attending requests.

3.29 Appropriate Adults should attend requests with minimum delay, ideally within 90 minutes of the request being received. If delays impact on provision the management structure should take steps to address the issue.

3.30 Police should be present during all contact between the Appropriate Adult and the person who is being supported.

3.31 On arrival, the Appropriate Adult should be passed all relevant information by the police and be given an opportunity to speak with the person they are there to support. The police should be present during this meeting. During the initial meeting with the person they are supporting the Appropriate Adult should:

- explain their role and ensure, as far as possible, that the person understands the explanation that has been given
- explain that the Appropriate Adult cannot give legal advice or speak about the matter under investigation
- explain that if the person says anything to the Appropriate Adult which is of material relevance to the police investigation, the Appropriate Adult should disclose this
- identify how best to facilitate communication between the person and the police

3.32 Following the initial meeting with the person they are supporting the Appropriate Adult should make the police aware of any information which helps to facilitate communication. If the Appropriate Adult has any concerns about the person's ability to participate in proceedings this should be passed to the police, but it is the responsibility of the police to decide if proceedings should continue.

### **Involvement in police procedures**

3.33 The police should explain to the person requiring Appropriate Adult support the procedure which is to take place and the Appropriate Adult should ensure, as far as possible, that the person they are supporting understands what is going to happen.

3.34 It is essential for Appropriate Adults to take an active role during proceedings to ensure that any communication issues are addressed. This means that an Appropriate Adult should make the police aware if they believe that the person they are supporting does not understand questions, procedures or statements, and also make suggestions in relation to adjustments or steps to be taken in order to help facilitate communication and reassure the individual.

3.35 The Appropriate Adult should ensure, as far as possible, that information provided by the person they are supporting is fully understood by the police.

3.36 Appropriate Adults should not advise the person they are supporting how to answer questions and should not intervene in procedures for any reason other than to help facilitate communication and ensure, as far as possible, that the right level of support is being provided.

### **After police procedures**

3.37 The police should note a statement from the Appropriate Adult detailing their involvement in procedures and any notes made by the Appropriate Adult should be taken by the police as a production.

3.38 Appropriate Adults may be cited to court as a witness to give evidence about their involvement in police procedures.

3.39 If an Appropriate Adult has any concerns relating to the general wellbeing of the person they are supporting, separate from the police investigation and police procedures, they should make the concerns known to both the police and the Appropriate Adult Service Coordinator (or equivalent).

3.40 Local authorities must have regard to their duties under the [Adult Support and Protection \(Scotland\) Act 2007](#) ("the 2007 Act") in relation to any adult protection concerns raised by Appropriate Adults. Every local authority must ensure that persons involved in Appropriate Adult services have an understanding of how the 2007 Act and its code of practice relate to the Appropriate Adult function, and have a clear policy about how concerns raised by Appropriate Adults are dealt with by the local authority.

## **Interaction with other professionals**

3.41 Appropriate Adults are not required to be present during a private consultation between the person they are supporting and the person's solicitor, or during a fitness for interview consultation with a forensic physician.

3.42 While the main role of the Appropriate Adult is to facilitate communication between the person they are supporting and the police, Appropriate Adults are expected to pass on any information concerning the person's communication needs to the person's solicitor. This can be done directly by the Appropriate Adult or directed through the police, and should be captured in the Appropriate Adult's police statement.

3.43 If an Appropriate Adult has any concerns about the conduct of any professionals they encounter while carrying out their role, these should be raised with the police in the first instance and dealt with at the time. Any issues which relate specifically to the professional's interaction with the Appropriate Adult should also be reported to the Service Coordinator (or equivalent) for action if necessary.



## 4. Training Appropriate Adults

4.1 Local authorities are responsible for ensuring the provision of suitable training for Appropriate Adults in its area and must have regard to the guidance in this section when undertaking this function. If a local authority enters into a contract with another person, the local authority should ensure that the other person is under an obligation to have regard to this guidance to the extent that it is relevant.

4.2 As with delivery of Appropriate Adult services, the 2019 Regulations allow local authorities flexibility to tailor training provision to suit local needs. Specifically, regulation 6(2) of the 2019 Regulations allows local authorities to work in partnership with other local authorities / organisations and enter into contracts with third parties to provide training to Appropriate Adults.

4.3 As set out in the “Management of Appropriate Adult services” section, above, local authorities should ensure that Appropriate Adult services have a management structure in place to support, supervise and develop the local Appropriate Adult team. This includes ensuring that suitable training and development opportunities are provided to those carrying out the role of Appropriate Adult.

4.4 Section 102(1)(a) of the 2016 Act allows for the Appropriate Adult training provider to make recommendations about Appropriate Adult provision to the person discharging the function of delivering Appropriate Adult services. Under the model which has been implemented, it will be for the local management structures, which should include local authorities and other relevant partners, to make recommendations to the local authorities, as providers of Appropriate Adult services.

4.5 The Scottish Government has established a stakeholder group to develop a national Appropriate Adult training framework. This framework will build on existing training and identify good practice which should be incorporated into local Appropriate Adult training across the country. The work of this group is ongoing and this guidance will be revised to take account of the framework when it is implemented.

4.6 Local authorities are expected to ensure that, in the interim period, suitable training and development is in place for Appropriate Adults. This should include:

- Initial training
- Refresher training
- Ongoing support and development (including regular team meetings / briefings and one-to-one discussions)

4.7 The existing Scottish Appropriate Adult Network (SAAN) training pack or equivalent should be used as the basis of training for Appropriate Adults until the national training framework is implemented.

4.8 The management structure of each Appropriate Adult service should ensure that training needs of the local Appropriate Adult service are identified and that training is tailored to address these needs.

4.9 The management structure should also ensure that the training includes inputs from relevant partners and organisations. This may include the police, legal and health professionals, communication specialists, third sector support organisations and service users.

4.10 Feedback from any of the above groups should be considered by the management structure and, if required, incorporated into local training.

## 5. Quality assessment and oversight

5.1 The duty to assess the quality of Appropriate Adult services has been conferred on the Care Inspectorate and local authorities must have regard to recommendations made by the Care Inspectorate in this role (section 102(2) of the 2016 Act).

5.2 Local authorities are expected to work with the Care Inspectorate to develop, implement and utilise a framework which will be used to evaluate Appropriate Adult services.

5.3 The Scottish Government also intends to create a non-statutory oversight framework to help promote consistency, quality and sustainability of Appropriate Adult provision at a national level. This work is ongoing and aims to create an oversight structure including the following elements:

- *National oversight group*

It is intended to create a National Oversight Group with members from Appropriate Adult services, justice and health partners, local and national government, and third sector organisations representing service users representation to have national oversight of Appropriate Adult provision in Scotland. It is envisaged that this group will set and oversee the direction of Appropriate Adult policies at a national level. It is also intended that this group will have oversight of the implementation of the national training framework (as set out in section 4).

- *National Coordinator post*

This will be a newly created post with the intention of providing a national single point of contact for Appropriate Adult services and the Care Inspectorate which can provide assistance and guidance in relation to the implementation of the statutory service. This post will be involved in the National Oversight Group and also have involvement in policy development in relation to Appropriate Adults.

- *Practitioners Forum(s)*

Local authorities will be encouraged to establish forums or similar for Appropriate Adult teams to ensure that there is a network of support for Appropriate Adult services where practitioners and coordinators/managers discuss good practice, share information and identify issues at an operational level.

5.4 This guidance will be revised to reflect developments in relation to the quality assessment and oversight arrangements as and when they are implemented.



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