

THE STATE HOSPITALS BOARD FOR SCOTLAND

APPROPRIATE ADULT POLICY & PROCEDURE

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	Nursing and AHP Director	
	Director of Security, Estates and Facilities	
	Advocacy Service Manager	
Advisory Group	Clinical Forum	
Approval Group	SMT	
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Responsible Officer(s) (SMT)	Nursing and AHP Director /Mental Health Manager, Social Work Service	

1. Introduction

The role of the Appropriate Adult is to facilitate communication during police interviews and procedures where the person (aged 16 years & over) being interviewed may have difficulty with communication or understanding. An Appropriate Adult should be used during any police interview or procedure with a person who has a mental disorder, whether they are the victim, witness, suspect or accused. The Mental Health (Care and Treatment) (Scotland) Act 2003 provides that "mental disorder" means any mental illness; personality disorder or learning disability, however caused or manifested). It is the responsibility of the interviewing Police Officer to determine whether an Appropriate Adult is required.

All Appropriate Adults will have been specifically recruited for their experience in the field of mental health and their communication skills. They will also have been successful in completing nationally recognised training, providing them with the appropriate knowledge required to undertake the Appropriate Adult role and function.

The presence of an Appropriate Adult is about trying to ensure equality for the person being interviewed. It is not about advocacy or speaking on behalf of a person, rather it is about an independent third party checking that effective communication is taking place and that the person being interviewed is not disadvantaged in any way due to their mental disorder.

The Appropriate Adult Scheme for patients within The State Hospital is provided by South Lanarkshire Council.

A copy of the South Lanarkshire Council Appropriate Adult Scheme Procedures is available on the South Lanarkshire Council website: www.southlanarkshire.gov.uk

The Scheme provides 24 hour cover including weekends and public holidays and can be contacted as follows:

- Monday to Thursday 8.45am to 4.45pm
- Friday 8.45am to 4.15pm
- Excluding public holidays Telephone: 01555 840293 ext 2146
- Outwith office hours and during public holidays the Emergency Social Work Services can be contacted on Telephone: 0300 123 1008

Reference should also be made to the [Protocol for Patients Requesting Police Involvement](#).

The responsibility for requesting an Appropriate Adult rests with the police.

The Social Work Service at The State Hospital has Social Workers trained as Appropriate Adults who are members of the South Lanarkshire Council Appropriate Adult Scheme. These staff will undertake the Appropriate Adult role for State Hospital patients as appropriate.

State Hospital employees are not Appropriate Adults unless they are part of the South Lanarkshire Council Appropriate Adult Scheme.

The Social Work Mental Health Manager will liaise with South Lanarkshire Council regarding any issues arising for The State Hospital (TSH) in relation to the Appropriate Adult Scheme including procedural reviews and uptake of the Appropriate Adult Scheme. The Appropriate Adult will not be the patient's allocated social worker except in exceptional circumstances.

2. Background Information

Guidance was issued by the Scottish Office in 1998 on Interviewing People who are Mentally Disordered which required all police forces in Scotland to establish appropriate adult services in collaboration with local authorities and health boards. This has been revised by the Scottish Executive Guidance on Appropriate Adult Services in Scotland (2007).

The aim of the guidance was to encourage arrangements that would ensure when the police interview an individual with a mental disorder there is a person present who, because of their training and expertise in dealing with mentally disordered individuals, can facilitate the interview. Such a person is known as an "Appropriate Adult". The purpose of an Appropriate Adult assisted interview is to facilitate communication and ensure that the interview process is fair.

The Appropriate Adult Scheme should cater for all adults with a mental disorder, whether they are being interviewed as a witness or victim, suspect or accused. Mental disorder is defined in Section 328 of the Mental Health (Care and Treatment) (Scotland) Act 2003. This is further addressed by the 'disability' criteria of the Equality Act 2010 and Appropriate Adult services are deemed to constitute a 'reasonable adjustment' to promote equality in the context of a police interview.

The responsibility for the decision to request the presence of an Appropriate Adult belongs to the police. A medical assessment is not required before the Police decide whether an Appropriate Adult is requested.

However, if following an assessment a medical practitioner decides that a mentally disordered person is not fit to be interviewed at that point in time the medical practitioner should advise the police accordingly.

3. State Hospital Patients

All patients at The State Hospital are subject to detention under mental health legislation. They are assessed by a psychiatrist as suffering from a mental disorder or as appearing to suffer from a mental disorder in the case of those patients referred for assessment by the Courts.

Police from any division in Scotland, or in exceptional circumstances from outwith Scotland, may be required to interview State Hospital patients in relation to various matters. These might be associated with the patient being a possible suspect, victim or witness. Patients may also be required to be interviewed in a local police station. When being interviewed under caution particular attention also requires to be paid to the provision of legal representation during interview. The Criminal Justice (Scotland) Act 2016 indicates that persons being interviewed under caution, who require the services of an Appropriate Adult may not waive their right to a solicitor.

4. State Hospital Staff

In all instances when police wish to interview a State Hospital patient, the police should be reminded by staff that patients who require to be interviewed by the police have access to an Appropriate Adult. If the purpose of the police seeing the patient is to serve papers only there will not, usually, be a requirement for an Appropriate Adult to be present.

This responsibility particularly applies to all ward staff, clinical team staff and the Patients Advocacy Service that may become aware, or be directly involved in, the matter of police attending the hospital to carry out interviews.

The Responsible Medical Officer (RMO) may wish to advise the police on the patient's mental state when an interview is being considered. This may assist the police in their decision to request an Appropriate Adult and/or progress with interview at that point in time.

All Appropriate Adult interviews, except in exceptional circumstances, will take place within the Family Centre as a safe and neutral environment. The Family Centre is the preferred venue for police interviews and takes account of minimising disruption to the patient and ward routine whilst also addressing issues of potential risk inherent in patient outings including victim sensitivities. However, it is recognised that, ultimately, the police will determine the interview venue.

Should the police decide to progress with the patient interview without the presence of an Appropriate Adult, the RMO, or duty RMO, should be contacted for a view on whether the interview should progress or otherwise. Regardless of the availability or otherwise of an Appropriate Adult, TSH staff must not prevent or obstruct a police interview from taking place.

In those instances where a patient is interviewed without the presence of an Appropriate Adult, a record must be entered in RiO, a DATIX should be submitted and, thereafter, the Chief Executive of the hospital and the Police Chief Constable should be notified.

In those instances where police are interviewing a patient who may be a victim or witness, following consultation between the police and an Appropriate Adult, consideration may be given to a key worker or other member of the multi-disciplinary clinical team whom the patient knows and trusts to provide additional support and reassurance.

5. Review

This policy will be reviewed in **four** years or sooner if required.

6. Format

The State Hospitals Board recognises the need to ensure all stakeholders are supported to understand information about how services are delivered. Based on what is proportionate and reasonable, we can provide information / documents in alternative formats and are happy to discuss with you the most practical and cost effective format suitable for your needs. Some of the services we are able to access include interpretation, translation, large print, Braille, tape recorded material, sign language, use of plain English / images.

If you require information in another format, please contact the Person Centred Improvement Lead on 01555 842072.

Key Stakeholders	Consulted (Y/N)
Patients	Y
Staff	Y
TSH Board	N/A
Carers	Y