

Justice Committee
Criminal Justice (Scotland) Bill

Written submission from the Scottish Appropriate Adult Network

Sections 30 to 33

Provision of responsible adults and Appropriate Adults

The extension to the age bracket within which an Appropriate Adult should be used from 16 years to 18 years raises concerns that 16 year and 17 year olds who would previously have been entitled to this kind of support will be disadvantaged.

The bill does make provision for a responsible adult to be present for 16 and 17 year olds. However there is no explicit requirement for responsible adults to have the skills or training to address the communication difficulties these young people may present. Subsequently there is real concern that vulnerable adults who would previously had the support of an appropriate adult may now experience difficulties during the police process.

While it may still be possible for local appropriate adult services to provide support to 16 and 17 year olds on a voluntary basis this presents a potential for inconsistent practice across Scotland.

The extension to the age range within which a responsible adult is required from 16 years to 18 years raises resource issue for local authorities. Previously the responsibility for providing a responsible adult where a parent/carer/guardian was not available fell to local authorities.

The extension to the age range and the opportunities for 16 and 17 year old to choose not to have their parent etc informed may result in an increase in demand for input from local authorities in these situations. This raises concerns with regards to the availability of staff to provide the support and the increase in costs associated with providing this service.

Section 25

Consent to interview without a solicitor

The requirement to have a solicitor present in all interviews for adults aged 16 years and over who meet the criteria defined in subsection (6) (a) raises concerns.

The recent changes to legislation giving all suspects who are questioned in police stations the right to legal advice has resulted in lengthy delays in the interview process starting. This is particularly problematic for adults as defined under subsection (6)(a) where it is assessed as necessary for a solicitor to attend to provide advice.

The requirement for the solicitor to present for all interviews involving this group of adults has the potential to exacerbate this problem further if the availability of solicitors is not sufficient to meet the increased demand for the service.

This requirement also raises issues for appropriate adult services. At present Appropriate Adults are present when the person is given their rights to access a solicitor. Appropriate adults, especially in rural areas, are required to remain at the police station until the solicitor arrives to ensure they are available to assist during the police interview. The delay in solicitors attending presents major financial issues for those appropriate adult services that use dedicated, self-employed staff, as it results in Appropriate Adults being paid during a period when they are not actively involved in providing a service. For appropriate adult services that utilise existing local authority staff the delay presents a serious impact on staff resources. Currently there is no reliable system in place to indicate how long it will take for a solicitor to arrive at the police station.

Statutory Responsibility

The bill does not place a statutory responsibility on any agency for the provision of Appropriate Adult Services. This raises concern that some agencies may withdraw from providing the service when faced with having to prioritise statutory responsibilities within current financial restraints.

Ian Wilson
Chairperson
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