

How do Appropriate Adult Schemes fulfil the needs of vulnerable women and ethnic minorities?

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Abstract

The Appropriate Adult Organisation (the organisation) is one of many appropriate adult schemes in the United Kingdom that aims to safeguard the rights and entitlements of vulnerable people in custody. Since its formation, the scheme has allowed volunteers to contribute to this effort by aiding in interviews and the custody process following the guidance from PACE code C. The one male and four female interviewees that partook in this qualitative study agreed that the scheme is efficient in its understanding and appropriate application of resources, satisfying the needs of vulnerable suspects. Additionally, religious food and textbooks are provided and female sanitary products if needed, showing that the scheme goes above the standard at eliciting a comforting experience for vulnerable suspects. Though when considering minority individuals, the availability of gender-preferred appropriate adults and of interpreters is not always possible due to a lack of funding and advertisement, leading to an underpopulated rota and the rejection of the suspect's wishes. Undoubtedly, the organisation and its volunteers treat everyone respectfully, though recommendations such as redefining the term 'vulnerable' to include minority individuals could improve the experiences of possible hidden vulnerable people in custody and allow for more appropriate adult availability.

Keywords: Ethnic, Minority, Appropriate, Adult, Scheme, Women, Organisation

The National Appropriate Adult Network (NAAN) and the term "appropriate adult" (AA) were formulated in the Police and Criminal Evidence (PACE) Act 1984 after public concern following the Maxwell Confait murder case in 1972. This case presented a problem with holding vulnerable suspects: three innocent boys, under 18 years old, were held without contacting their parents and one of the boys, having learning difficulties, could have presented false information when interrogated for many hours without a lawyer (Robins, 2019). The Appropriate Adults Scheme (the scheme), a third-sector organisation including volunteers, was introduced in March 2017 and aims to 'safeguard the rights, entitlements and welfare of juveniles and vulnerable persons' (Home

Office, 2019) in accordance with Code C of the PACE Act 1984, providing a positive impact on society.

The current research available acted as the epistemological influence to assessing how service users' needs in the National Local Appropriate Adult Scheme are fulfilled. However, many studies on the organisation's effectiveness have overlooked the specific challenges faced by women and ethnic minorities using the scheme - two groups of individuals which can be deemed particularly vulnerable due to being subject to gender and racial prejudice. This review draws on references from Sunderland University's Library, crucial to address these gaps in existing literature.

The National Appropriate Adult Network reports that there are 650 monthly requests for Appropriate Adults (AAs) in London (Home Office, 2011: 6), suggesting that offenders see this support from AAs as extremely valuable and since many vulnerable suspects report not understanding what is going on or what to say or do when being interviewed by police as observed by Farrugia and Gabbert (2019) research, having an AA can help alleviate the pressure they might feel in custody whilst laying out the support networks for them. Despite this, the "Child Q" protests revealed that 52% of 2,847 recorded cases lacked an appropriate adult during strip searches (Addo, 2023). This gap in oversight suggests systemic failures in providing necessary protections for vulnerable individuals, reinforcing the need for better monitoring and support mechanisms.

The term "appropriate adult" refers to individuals from organized services who are trained and CRB checked (Home Office, 2011: 5), meanwhile, vulnerable adults include those with mental disorders, learning difficulties, or disabilities, which may affect their capacity to avoid self-incrimination (Peacock and Cosgrove, 2021: 7-8). Donna Peacock, noted that labelling someone as "vulnerable" can be stigmatizing and problematic, potentially impacting the individual's dignity and the perception of their needs (Wilkin, 2021, 34:42-36:06), thus basing a strain of vulnerability on someone's gender or cultural experience may not always be acceptable as the person may not feel vulnerable or feel like they require an appropriate adult which could accelerate into increased tension in custody.

In another study conducted by Jessiman and Cameron (2017: 249), 'the presence of the AA, who should act as their AA, ...and the attributes they wanted in an AA' are all concerns regarding appropriate adults who play a major role in the custody process. From being authoritative and supportive allowing for a comfortable and communicable environment to vulnerabilities in mental illness and learning disabilities to greater risk factors such as 'being female in a predominantly male environment' or 'being a black male in police custody' (Ibid., p.250), it is important that the scheme ensures these standards of care are maintained. Specifically, with the

term “vulnerability” being loosely defined in policy, it could exclude vulnerabilities deemed risk factors meaning some individuals may not receive ‘resources, finance and support’ (Wilkin, 2021, 36:02-36:22) in being attributed AAs. This perspective is offered from the viewpoint of an unbiased, white, non-criminalised male university student, though a more inclusive understanding of vulnerability will incorporate diverse lived experiences.

Therefore, attributing the lived experience of women - women should be separated from men to ensure safety, supplied sanitary products, and given a female appropriate adult if requested. As highlighted by the Me-Too movement, the police brutality associated with the killing of Breonna Taylor brought focus to ‘the systems that enable harm’ (Me Too, 2021: 7). Thus, it is understandable that women feel vulnerable in police custody since historically females have been ‘treated more harshly by the criminal justice system’ (Olawunmi, 2023: 3) resulting from being considered doubly deviant. Addressing these issues is essential for ensuring that women receive equitable and respectful treatment within the justice system.

Additionally, ethnic minorities should be given religious and cultural materials and have access to an interpreter if required. Campaigns such as Black Lives Matter have aimed to provide justice for racially prejudiced individuals and work towards Black liberation and freedom (Black Lives Matter, 2021), helping towards the construction of laws for racially aggravated violence (Crime and Disorder Act, 1998). Though the police still ‘generates and sustains an occupational culture supportive of racism’ (Lea, 2000: 222) highlighting that ethnic minorities are being socially prejudiced, which makes supporting them even more important and since the organisation collaborates with the police, researching these issues is crucial.

This article seeks to explore how the organisation ensures the fulfilment of vulnerable people’s needs, particularly in women and ethnic minorities. From the acknowledgement of their discrimination to the resources they are provided, an evaluation discussing the treatment of vulnerable people in custody to enhance current knowledge surrounding the organisation and advance scientific understanding of institutionalised discrimination. The findings aim to explore what impacts the fulfilment of service users’ needs, to analyse what support is given to women and ethnic minorities in custody, and to explain the barriers that impact their needs from being met.

Research Design

Primary research was chosen since it allows the collection and analysis of first-hand testimonies from appropriate adults that secondary research does not provide. The used qualitative method of interviews utilising thematic analysis highlights the ‘complexities of human behaviour’ (Lakshman

et al, 2000) in the organisation. Quantitative methods that produce statistical data such as questionnaires do not evoke expansive responses.

The study of knowledge – epistemology, infers ‘existing expert literature’ (Goertz and Mahoney, 2012: 211) thus the utilized epistemological interpretive framework commonly used in qualitative research allows for grey areas in research to be explored such as “vulnerability” being loosely defined as children and vulnerable people with ‘learning disabilities’ or ‘mental ill health’ (National Appropriate Adult Network, 2022). Additionally adopting an explanatory approach gives insight into how the participants understand the needs of the service users, their knowledge of the procedures and available resources to conclusively answer the research question.

The study of reality, ontology, tests the knowledge’s realistic truth ‘concerning the definition of concepts’ (Goertz and Mahoney, 2012: 207). The ontological social constructivism approach asserts that social phenomena are ‘continually being accomplished by social actors’ (Bryman, 2016: 29) which enforces the use of interviews for this environment. Semi-structured interviews were scheduled on Microsoft Teams for the ease of the participants and to extract the transcripts so that no information was lost. These consisted of structured questions to keep an ‘open mind about the shape’ (Ibid., p.10) of the research and further questions for elaboration and deeper knowledge allowing for replicability and consistency. This gathered descriptive and individualised experiences that no other method could accommodate whilst ensuring the participants felt comfortable speaking freely.

The opportunity sampling strategy was used, accommodating the volunteers on a sequential basis. It involved the contact and scheduling of interviews with available volunteers using the associated WhatsApp chat. This was a quick method to obtain the data and is easily replicable for each participant. The interviews were approximately 30 minutes long containing 15 structured questions and a sample size of 5 participants. Having this small sample size allowed for high efficiency in this experimental design, and lower expenditure of research resources and time. Four of the participants were female and one was male, all of whom were White-British. Both male and female perspectives must be acquired as the gender of the assigned appropriate adult could present barriers of anxiety or the providing of ‘unreliable, misleading or incriminating information’ (National Appropriate Adult Network, 2018) if the person decides to have no AA due to this issue. This could also transfer over to ethnicity and the “intersectionality” (Phoenix and Pattynama, 2006: 1) of the individual. The dynamic associated with being a non-criminalised, white, male such as myself may instil these feelings more towards a criminalised, black, woman, than a criminalised, white, male. There is also a power dynamic by the meaning of “appropriate adult”

and “vulnerable person” (Wilkin, 2021) putting the volunteers on a pedestal above the service users assuming they are unable to think or act for themselves, which is not always the case.

When conducting the research, the British Society of Criminology’s (2015) ethical guidelines were followed to allow for more authentic data for accurate and applicable results, disallowing reputation, financial or organisation credibility loss, whilst creating a trustworthy bond between the researcher and participants. Additionally, considering that the organisation works with the public sector of the police who provide essential services to the public, AAs must follow the ethical guidelines in the PACE code of practice (Home Office, 2013). In the disadvantage of public sector organisations being unresponsive to sociological change, the scheme also ‘supports whistleblowing by AAs’ (National Appropriate Adult Network, 2018: 50) to raise concerns if the service users are not getting satisfactory treatment.

Firstly, before conducting the research, an information sheet [Appendix 1] was sent to the participants before the interviews to make them aware of what they were participating in and if they had any questions about the procedure. A consent form [Appendix 2] was sent for the participant to sign, indicating their informed consent to the publication of their responses. These participants were sent a Qualtrics Form so the process could be done online. The participants were informed that they had the right to withdraw at any point at which their transcripts, recordings, and other tied information would be discarded.

Coding the Microsoft Teams transcripts in NVIVO [Appendix 4] was safer than having papers littered around and when referring to the participant in the interview, pseudonyms of Abby, Ben, Claire, Dianne and Emma were used to ensure anonymity so that their status was not damaged. Additionally, the questions [Appendix 3] asked were formulated to not be double-barrelled and not contain sensitive information, jargon or demand characteristics so the participants could answer the questions honestly, to which they were free not to answer. Due to qualitative research being not directly translatable into data, the conducted thematic analysis of identifying, interpreting and inductively extrapolating ‘implicit and explicit ... themes’ (Guest, et. al., 2011: 9) such as Resources, Understanding and Funding, allowing for data analysis to display the personal experiences in connection with the aims of the study. A frequency graph was utilised to analytically display the common terms said in the interviews. Throughout this process, the information tied to the participant was not shared, kept on a protected computer and once the research concluded, the information was safely destroyed.

Findings and Discussion

The appropriate adults hold a special role in ensuring the vulnerable person is provided with any needs quickly and effectively to safeguard ‘the rights, entitlements and welfare of juveniles and vulnerable persons’ (Home Office, 2019). The availability of appropriate adults in the third sector and the distribution of resources were concerns of the participants.

Emma: *“We need more volunteers. Before it was only five of us on the rota”.*

For women requesting a female appropriate adult, most of the participants expressed that this is not an issue and is supported however the problem arises if one is not available. Depending on the custody clock, another appropriate adult could be called, or the interview could be continued with an available appropriate adult even if it goes against the vulnerable person’s wishes following guidelines from the National Standards (National Appropriate Adult Network, 2018). If the problem arises for minority ethnic individuals, the same approach is taken but no guarantee can be made that the appropriate adult will be suitable to the person.

Ben: *“If it was a case that they were unavailable – it would have to be one of us available”.*

Dianne: *“Request a message to be put in the group”.*

Sanitary products are provided for women and religious equipment for ethnic individuals. These acknowledgements not only provide for the needs of these individuals but also makes them feel comforted in an already fearful situation. Additionally, interpreters are freely available to solicit effective communication in the interview for any ‘hearing or speech impediment’ or ‘translations’ (Home Office, 2019). Peacock and Cosgrove’s (2021) study states, there is a ‘risk that more complex cases of vulnerability could be missed’ as evident in the concerns of participants over interpreter availability which could impact the suspect’s understanding in interviews if there is a language barrier.

Ben: *“Yes, very freely. But there is the problem of sometimes getting hold of them”.*

Claire: *“Courtier food, halal food and religious textbooks so the Bible, the Koran – they have started bringing in the arrows in the cells that point towards Mecca”.*

The NAAN standards require appropriate adults to understand and respond effectively to contexts including women and race needs (National Appropriate Adult Network, 2018). As evident, not every woman or ethnic minority needs the same requirements to be satisfied but the scheme offering them showcases the effectiveness in making the experience tolerable.

As an appropriate adult understanding the custody processes, rights, individual experiences, mental conditions and disabilities, and how to provide for vulnerable people's needs in custody, ensures the appropriate adult and vulnerable person are cooperatively working together and not as a power division. Jessiman and Cameron (2017: 249) state that vulnerable people are interested in 'the attributes they wanted in an AA' and as evident, the participants believe these attributes assist in the appropriate adult's effectiveness:

All: *"Confident", "Attentive", "Caring", "Adaptable", "Understanding", "Non-judgemental", "Empathetic", "Respectful", "Intuitive", "Flexible" and "Availability".*

The amount of experience of the AA correlated with their understanding of providing for women and ethnic minorities impacting the resolution of their needs being met. Having this understanding of females being 'treated more harshly by the criminal justice system' (Olawunmi, 2023: 3) from being "doubly deviant" and the police sustaining 'an occupational culture supportive of racism' (Lea, 2000: 222) allows the provision of resources to satisfy specific needs, thus highlighting the effective responsiveness of the AAs in the organisation.

Claire: *"It's pretty much male-dominated. It's very patriarchal".*

Dianne: *"They were more prone to discrimination, abuse, and harassment while in custody".*

Communication skills are also important when issues arise, and the organisation seems to act quickly and adaptively to resolve the issues additionally striving to improve relations with vulnerable adults with annual reports and training opportunities.

Abby: *"As soon as that was flagged up, they seemed very understanding".*

Dianne: *"We are doing ...a new training program for a new qualification and ethnic minorities and women are included in there"*



As shown, “vulnerable” was the most popular term relating to the study at 2.28%. This highlights the issue of the word being not universally defined, having a ‘range of interpretations across different contexts’ (HMICFRS, 2022). Most participants explained it is an umbrella term including a range of vulnerabilities such as physical disabilities, mental health and emotional vulnerabilities with some participants explaining anyone could be vulnerable. The PACE definition of a “vulnerable adult” is a person aged 18 or over ‘who may have difficulty understanding the purpose of an authorisation’ (Police and Criminal Evidence Act, 1984). Taxman and Caudy’s (2015) study classified ‘family dysfunction’, ‘self-control’, and ‘substance abuse’ as factors that affect the extent of individuals’ vulnerability. Therefore, suspects must be risk assessed to determine whether they require an appropriate adult – but this is where issues arise. Some vulnerabilities such as being a woman or ethnic minority in custody as Jessiman and Cameron (2017: 249) identify are ‘greater risk factors’ but are not presented in the NAAN definition of vulnerability people having ‘learning disabilities’ or ‘mental ill health’ (National Appropriate Adult Network, 2022). Thus, participants shared the consensus that this definition should be expanded to include these individuals and other vulnerable candidates.

Emma: *“It can be loads of different things. It can be mental issues, learning difficulties, physical disabilities – sometimes even just stress”.*

Abby: *“We need to be changing the definition of vulnerable. So, anyone with any sort of vulnerability can have an appropriate adult”.*

It is evident that in the interest of maintaining statutory services, ‘increasing numbers of local authorities have decided to defund services’ (National Appropriate Adult Network, 2022). The participants agree that this could be a serious issue impacting availability and resources:

Dianne: *“Restrict them from getting their travel expenses paid so availability will be affected”.*

Claire: *“Being able to provide the other essential things – like religious textbooks, meals, and sanitary products”.*

As highlighted in Jessiman and Cameron (2017: 249), ‘the presence of the AA’ is crucial for getting vulnerable people to access the support they need thus having limited advertising results in an empty rota and unavailability. Additionally, resources such as diversity training may see a decline due to cutbacks impacting the acknowledgement of potential risk factors and the fulfilment of ethnic minorities. Luckily, this is not problematic currently as the organisation has adapted itself for these individuals. But due to the nature of the scheme being managed and funded by the Local Police and Crime Commissioner granting ‘£33,935’ to the organisation in 2021, budget cuts could impact the organisation and the experience of the service users. Additionally, having a privately-funded scheme could be beneficial for the organisation, providing more training and pay and thus more availability, though is often impersonal and managerial.

Emma: *“I wouldn’t say the organisation is advertised much at all”.*

Ben: *“There’s always more diversity training we could go for obviously the factors are cost and availability”.*

Ben: *“A good contrast would be the XXXX scheme because they are a private and funded, paid-for scheme”.*

Overall, the research confirmed the legitimacy of previous research whilst providing insight into further resources provided to women and ethnic minorities. The research had a representative balance of males and females but had a small sample size of White-British participants from the same organisation, limiting the research’s generalisability. The utilised semi-structured style of interviews led to extensive talking on some questions and thematic analysis could have been subject to researcher bias as ‘analysts often come up with preliminary findings that strike them as interesting’ (Guest, et. al., 2011: 134). But it is a strength for qualitative research to embed this approach than a structured style of impersonal questionnaires. Additionally, a limitation of interviewing service providers instead of service users may have reduced reliability as

their perspectives and experience may not always align. Overall, these limitations would be improved upon if the research was conducted again.

Recommendations the organisation could take to improve the experience of volunteers and vulnerable suspects are as follows: (i) Saheliya, a private mental health and well-being support organisation for BAME women and girls could be looked upon when integrating further diversity training into the intersection of being a woman and ethnic minority bringing additional needs that should be communicated about and provided for (Saheliya, 2023). (ii) Communicating to the NAAN the need for a more encompassing and universal definition of vulnerability will help assess if suspects require an appropriate adult. Often vulnerability is determined by the officers beforehand, but women and ethnic minorities are not considered vulnerable for an appropriate adult. (iii) Communicating to the NAAN the need for paying the appropriate adults. Alternatively, the University could advertise the scheme more on campus and to more cohorts allowing for more availability for high-risk women and BAME individuals and other unregistered vulnerabilities not provided with appropriate adults. Privately funded schemes such as the Durham scheme do not have this issue of coverage. (iv) The research participation link used was often buried underneath general WhatsApp chat thus moving to Microsoft Teams could be beneficial for effective communication and documentation management for AAs and organisation coordinators.

With vulnerable people experiencing emotions of fear and confusion when in custody, these feelings must be minimised as much as possible. The performed interviews have demonstrated the additional needs of women and ethnic minorities in custody, the barriers the organisation faces, and the strengths of appropriate adult communication and safeguarding strategies. The organisation ensures the individuals are treated well and that their needs are satisfied in custody though improvements can be made.

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