



## THE SCOTTISH OFFICE

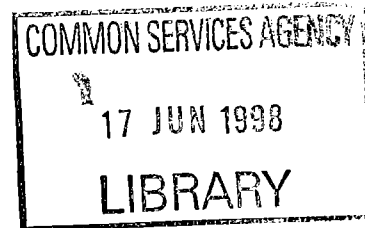
**Identity No: Police Circular No 7/1998, SWSG Circular No 8/1998, MEL No 43/1998**

**Title: Interviewing People Who Are Mentally Disordered: "Appropriate Adult" Schemes**

**Addressed to: Police:** Chief Constables  
Chief Executives,  
Dumfries & Galloway Council  
and Fife Council  
Clerks to the Joint Police Boards

**SWSG:** Directors of Social Work  
Voluntary Umbrella Bodies  
Major Social Work Providers

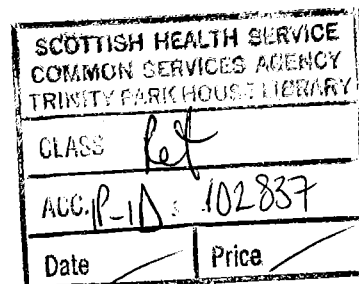
**MEL:** General Managers, Health Boards  
Chief Executives, NHS Trusts  
Local Health Councils  
Other Relevant Health Organisations



### Dates

**Issued:** 19/6/1998

**Implementation:** Immediate



Dear Colleague

### Purpose of circular

1. This Circular provides model guidance for the establishment and operation of appropriate adult schemes in Scotland. The guidance describes procedures to be adopted when the police deal with people, as witnesses (including victims), suspects or accused, who are mentally disordered. It supersedes Scottish Home and Health Department Circular - Police (CC) No 2/90 issued on 31 July 1990, which is now cancelled.

### Definition of mental disorder

2. Mental disorder is defined in the Mental Health (Scotland) Act 1984 as "mental illness or mental handicap however caused or manifested". For the purposes of this Circular and guidance this includes people who are mentally ill, people with a learning disability, those with acquired brain damage and people suffering from dementia.

3. It would not be appropriate to call on the services of an appropriate adult where a person's mental faculties have been solely and temporarily impaired through the influence of drugs or alcohol.

#### **Status of guidance**

4. The guidance attached to this Circular does not have any statutory or legal authority in Scotland but, following consultation with the agencies concerned, is considered to represent good practice.

#### **Background**

5. The rights and obligations conferred by statute and common law apply equally to any individual who comes into contact with the police but special care and understanding is required when dealing with mentally disordered people. The role of the appropriate adult is to ensure that a mentally disordered person is not disadvantaged, during a police interview, as a result of the disorder from which he or she suffers. Unless proper interviewing procedures are followed, the courts may not accept the testimony of a mentally disordered person

#### **Scope**

6. The guidance attached to this Circular is intended to cover appropriate adult schemes for mentally disordered adults who are the subject of a police interview, as a witness (including a victim), suspect or accused. Such schemes may also extend to support for subsequent court appearances of the mentally disordered person, if this is agreed locally.

#### **Resources**

7. The benefits of appropriate adult schemes can far outweigh the cost of running them in ensuring that the evidence presented to courts is as full and reliable as possible. Experience of existing schemes shows that running costs are small and that they are mainly resourced in kind through contributions from participating agencies, usually in the form of a commitment of staff time. However, it will be necessary to devote some funds to appropriate adult schemes to cover, for example, the costs of training; the expenses of appropriate adults who are not employees of participating agencies in attending interviews; and the cost of developing and maintaining information systems. It will be for local agencies to agree joint funding of any such costs from within existing resources, and to make imaginative use of all possible sources of funding.

#### **Action**

8. Appropriate adult schemes are expected to operate on an inter-agency basis and it will be for relevant statutory and voluntary agencies within each area to decide which should become the lead agency according to local circumstances. It is suggested that social work departments should initiate the process of establishing appropriate adult schemes by arranging a meeting of chief officers of relevant statutory and voluntary agencies. (It may be sensible for a single scheme to cover an entire police force area, and for social work

departments therefore to collaborate where appropriate in fulfilling this function.) The group of chief officers would then become the steering committee for the scheme in a particular area. Convening such a meeting does not, however, imply that the social work department will necessarily become the lead agency.

9. Where appropriate adult schemes already exist the opportunity should be taken to review the operation of these schemes in the light of the guidance.

### **Reporting**

10. The Scottish Office wishes to encourage the establishment of appropriate adult schemes throughout Scotland by 30 June 1999 and seeks periodic reports on progress towards that goal. Once a decision has been made about the lead agency, and not later than the end of September 1998, details should be forwarded to The Scottish Office at the address below and should include the name and official address and telephone number of a nominated contact officer. Reports on the progress being made towards establishing appropriate adult schemes will then be sought from the lead agency in each area 6 months from the date of this Circular.

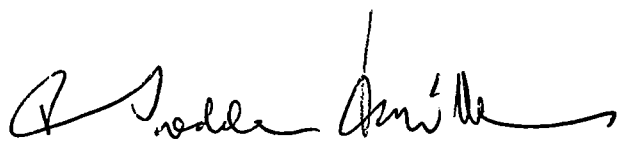
### **Queries**

11. The information requested at paragraph 7 above, should be addressed to Miss Alison Ross, The Scottish Office Home Department, Police Division, Room E1-5a, Saughton House, Broomhouse Drive, Edinburgh, EH11 3XD. Telephone 0131 244 2149. Any queries regarding the contents of this Circular and attached guidance should be addressed to the following contacts:-

11.1 **Police enquiries** - As in paragraph 11 above.

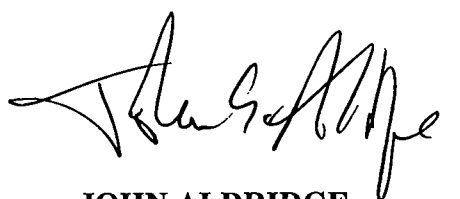
11.2 **Social Work enquiries** - Mr Neil Rennick, The Scottish Office Home Department, Social Work Services Group, Room 48C, James Craig Walk, Edinburgh, EH1 3BA. Telephone 0131-244 5389.

11.3 **National Health Service enquiries** - Mr Phil Harley, The Scottish Office Department of Health, Health Care Policy Division, Room 264, St Andrew's House, Edinburgh, EH1 3DG. Telephone 0131-244 2426.



**I A SNEDDEN  
POLICE DIVISION**

**GAVIN ANDERSON  
SOCIAL WORK  
SERVICE GROUP**



**JOHN ALDRIDGE  
MANAGEMENT EXECUTIVE  
NHS IN SCOTLAND**