**Police station representative accreditation scheme**

**Part 3 Standards of performance**

**Unit 9 Advising and assisting a client after the interview or identification procedure**

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| Assessment outcomesThe candidate will be able to: | Assessment criteriaThe candidate can: | Knowledge, understanding and skills |
| 1. Seek to ensure that improper questioning does not take place
 | 1. Where relevant, make representations to the police that the client should be charged or released without further questioning
 | The solicitor or representative should know and understand the circumstances in which a decision regarding charge should be made.The decision regarding charge is governed by the PACE 1984, s. 37(7). See also the *Director’s Guidance on Charging*, and the ‘full code’ and ‘threshold’ tests set out in the *Code for Crown Prosecutors*.If the solicitor or representative concludes that it is in the client’s interests for a charge decision to be made, they should consider what action they should take, and make representations accordingly. |
| 1. Seek to ensure that the client is not questioned further in the representative's absence
 | If a decision regarding charge has not yet been made, and the police investigation is continuing, the solicitor or representative should ask for the custody record to be endorsed to the effect that they are to be contacted in advance of any further interview.If a decision to charge has been made, a suspect cannot be further interviewed in respect of the relevant offence other than in circumstances set out in Code C, para. 16.5. The solicitor or representative should ask for the custody record to be endorsed to the effect that they are to be contacted in advance of any such interview.In either event, the client should be advised of their continuing right of access to a solicitor, and that if the police propose to interview them, they should ask for the solicitor or representative to be contacted before any such interview is conducted. |
| 1. Make appropriate representations regarding charge and release
 | 1. Make appropriate representations regarding the charge decision
 | The solicitor or representative should have a practical knowledge of relevant law and procedure, and be able to apply such knowledge to the facts, regarding:* whether the conditions for charging the client with a criminal offence(s) are satisfied and, if so, what charge(s) are warranted by the facts, or
* whether the conditions for an out-of-court disposal are satisfied and, if so, what disposals are relevant, or
* whether a decision to take no further action is appropriate.

Having provided advice to the client, and having taking instructions, the solicitor or representative should consider what representations, if any, he or she should make, and make such representations. |
| 1. Make appropriate representations regarding release, whether on bail or otherwise
 | If a suspect (who has been arrested and detained) is not charged, but investigations are continuing, the police have the power to release them with, or without, bail.If a suspect is charged, they must be released pending the first court appearance, unless one or more of the conditions in the PACE 1984, s. 38, are satisfied.The solicitor or representative should have a practical knowledge of the relevant provisions in the PACE 1984 and be able to apply them to the facts.Having provided advice to the client, and having taken instructions, the solicitor or representative should consider what representations, if any, he or she should make, and make such representations. |
| 1. Advise the client
 | 1. Explain the decisions regarding charge and release to the client
 | The solicitor or representative should provide an explanation, in terms that the client can understand, of:* if the client has been charged, the implications of that charge including, if detained pending the first court appearance, the likely period of detention
* if the client is, or is to be made, the subject of an out-of-court disposal, the implications of that disposal
* if the client is released, without or on bail, the implications of that release.
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| 1. Explain the likely course of events following the decision regarding charge and/or release
 | The solicitor or representative should provide an explanation, in terms that the client can understand, of the likely course of events after the consultation with the client has ended. |
| 1. If the client has been charged, consider with the client whether and how they will be legally represented when they appear in court
 | The solicitor or representative should explain to the client their right to be represented, and to legal aid (if appropriate), in respect of the court proceedings; and should take instructions as to whether the client wishes them, or their firm, to act for them. |