**Police station representative accreditation scheme**

**Part 1 Underpinning knowledge**

**Unit 1 Understanding the role of a Police station representative**

|  |  |  |
| --- | --- | --- |
| Assessment outcomesThe candidate will be able to: | Assessment criteriaThe candidate can: | Knowledge, understanding and skills |
| 1. Demonstrate a practical understanding of the role of a solicitor or representative advising and assisting a client at the police station
 | 1. Explain a solicitor or representative’s authority to act for a person detained in a police station
 | * The right of a person arrested and detained by police to consult a solicitor (PACE 1984, s.58)
* Confirmation by the detained person that they wish to instruct the solicitor or representative
* If instructed by a third party, detained person to be informed that the solicitor has come to the police station and asked to provide written confirmation that they wish to see the solicitor (Code C, Annex B, para. 4)
 |
| 1. Explain and demonstrate an understanding of the role of a solicitor or representative when acting for a client detained at a police station
 | * Duty of solicitor to act in good faith and to do their best for each client (SRA Code of Conduct 2011, Principle 4)
* The role of a solicitor acting for a client at a police station as set out in Code C, Note for Guidance 6D
* The particular position of a representative (as opposed to a solicitor) in terms of compliance with the SRA Code of Conduct, and the PACE Codes
* Specific objectives of a solicitor or representative acting for a person detained at a police station, including;
	+ Securing information, from the client and the police
	+ Advising the client in private
	+ Advising the client on matters arising during the period of detention
	+ Presence of the solicitor or representative at police interviews of the client
	+ Safeguarding the client’s rights
	+ Acting ethically
	+ Where relevant, considering the implications of the client’s immigration status
 |
| 1. Identify the needs of, and vulnerabilities of, a client detained at a police station, and the appropriate action to be taken
 | * Considering, in general terms, the needs of a client detained at a police station, and appropriate advice to be given and action to be taken
* Identifying any particular vulnerabilities of a client detained at a police station, and appropriate advice to be given and action to be taken. Vulnerabilities to be considered include:
	+ Mental disorder or mental vulnerability
	+ Alcohol or drug dependency
	+ Vulnerability resulting from the age of the client
	+ Visual or hearing impediment, or inability to speak or understand English
	+ Vulnerabilities associated with human trafficking, modern slavery or sexual exploitation
 |
| 1. Identify inappropriate behaviour of police officers, and the appropriate action to be taken
 | * Types of inappropriate behaviour include but are not limited to:
* Refusal of/inadequate disclosure
* Adequacy of time/facility allowed for private consultation
* Oppressive or unfair interrogation technique
* Appropriate action may include:
	+ Recording the circumstances of the conduct
	+ Making representations to a senior officer
	+ Making a formal complaint
 |
| 1. Identify and correctly apply ethical rules and principles relevant to advising and assisting a client at a police station
 | * SRA Code of Conduct as it relates to providing advice and assistance to a client detained by the police, in particular:
	+ The duty to the client
	+ Client confidentiality and privilege
	+ Conflict of interests
* Applying ethical rules may require:
	+ Appropriate advice to the client, e.g., with regard to providing false information to the police
	+ Withdrawal from a case, without breaching the duty of confidence
 |
| 1. Demonstrate an understanding of the importance of maintaining accurate records
 | * The purpose of maintaining accurate records, e.g., to facilitate the transfer of the case to another solicitor or representative, to record conduct which may be relevant at trial
* The content of records should include:
	+ The information obtained from the police
	+ The instructions obtained from the client
	+ Actions taken by the solicitor or representative
	+ Advice given to the client
	+ Signed disclaimer if the client goes against advice
 |
| 1. Demonstrate knowledge and understanding of criminal law and procedure
 | 1. Explain the basic sequence of events in criminal cases, including the different modes of trial
 | * From the client’s arrest or agreement to attend as a volunteer, through arrival and detention at a police station, charge, appearance in court, to conviction, sentence and appeal.
* Critical issues include:
* Arrest and detention
* Methods of initiating proceedings (charge, written charge, summons)
* Time limits
* Classification of offences by reference to mode of trial
* Courts (magistrates’ court, youth court, Crown Court, High Court, Court of Appeal)
* Funding and legal aid
 |
| 1. Explain the meaning of legal terms relevant to advising and assisting a client at a police station, and apply them to factual scenarios
 | Candidates will be expected to know and understand the meaning of, and be able to apply, the following legal terms:* Arrest
* Police detention
* Reasonable suspicion
* Reasonable force
* Burden of proof
* Actus reus and mens rea
* Dishonesty
* Intentionally, recklessly, maliciously
* Knowing or believing
* Bail
 |
| 1. Explain the modes of participation in crime, and apply them to factual scenarios
 | Candidates will be expected to know and understand, and be able to apply, the following modes of participation in crime:* Principal
* Accessory – aid, abet, counsel or procure
	+ Joint venture
* Attempt
* Conspiracy
 |
| 1. Explain the different forms of criminal sanction, including out-of-court disposals, and also sentence discount
 | Candidates will be expected to know and understand:* The different forms of criminal sanction:
	+ Custodial sentences
	+ Community orders
	+ Absolute and conditional discharge
	+ Binding over
	+ Out-of-court disposals
	+ Fixed penalties
* Sentence discount for an indication of guilt/guilty plea
* In the case of out-of-court disposals, how to access the statutory provisions, regulations, and guidance governing them
 |
| 1. Explain the law and procedure relating to young suspects and defendants
 | Candidates will be expected to know and understand:* The definition of juvenile, child and young person
* The ways in which the PACE 1984 and the Codes of Practice are modified in the case of juveniles
* The ways in which mode of trial and venue are modified in the case of children
* The different forms of sentence and sanction that apply to children
 |
| 1. Demonstrate an understanding of the common crimes and defences relevant to advising and assisting a client at a police station, and an ability to identify the elements of other crimes
 | 1. Identify the elements of crimes commonly encountered, and apply them to factual scenarios
 | Candidates must be able to demonstrate a practical knowledge and understanding of the elements of the following common crimes:* Assault, in its various forms: common assault, assault occasioning actual bodily harm, assault on a police officer in the execution of his/her duty, wounding or grievous bodily harm, wounding or grievous bodily harm with intent
* Drugs offences: categories of controlled drugs, possession, possession with intent to supply, supply, production/cultivation
* Offences of dishonesty: theft, handling, fraud, robbery, burglary
* Possessing an offensive weapon/bladed article
* Offences involving motor vehicles: taking a conveyance without authority, allowing to be carried, aggravated taking, driving whilst disqualified, driving without insurance, dangerous driving, driving under the influence of alcohol or drugs
* Public order offences: affray, using threatening, abusive or insulting words or behaviour with intent (Public Order Act 1986, ss. 4 and 4A), causing harassment, alarm or distress (Public Order Act 1986, s. 5)
* Criminal damage
 |
| 1. Demonstrate an ability to determine the elements of crimes that are not commonly encountered
 | Candidates must be able to explain how they would determine the elements of a crime with which they are not familiar, e.g., by consulting an appropriate legal text, or by accessing the relevant statute |
| 1. Identify the defences that may relate to the crimes referred to in 3.a., and determine whether they are relevant by reference to given facts
 | Candidates must be able to demonstrate an understanding of general defences, such as self-defence, and an awareness of specific defences to the crimes referred to in 3a, sufficient to enable advice to be given to a client about the strengths and weaknesses of the prosecution case and the strategy to be adopted in any police interview |
| 1. Demonstrate a practical understanding of the rules of evidence insofar as they are relevant to advising and assisting a client at a police station
 | 1. Explain the legal and evidential burdens, and standards, of proof as they relate to the prosecution and defence, and the implications for advice to be given to a client
 | Candidates must have an understanding of the following evidential rules, and how they may affect advice to be given to a client, particularly in respect of the strategy to be adopted in a police interview:* The legal burden of proof
* The evidential burden of proof
* The standards of proof
* The reversal of the burden of proof in respect of the crimes referred to in 3a
 |
| 1. Explain how facts become evidence, and the implications for advice to be given to a client
 | Candidates must have an understanding of the evidential and procedural rules applicable to the issues listed, and how they may affect advice to be given to a client, particularly in respect of the strategy to be adopted in a police interview:* Hearsay and its exceptions
* Competence and compellability of witnesses
* Relevance and admissibility
* Documentary evidence
* Corroboration
* Opinion evidence
* Previous misconduct and character
 |
| 1. Explain and evaluate the evidential consequences of different strategies that may be adopted by a client in police interview, and the implications for advice to be given to a client
 | Candidates must be able to demonstrate an understanding of the following possible strategies, and the implications for advice to be given to a client:* Remaining fully or selectively silent
* Failing to inform the police of facts upon which the may rely on in their defence (CJPOA 1994, s. 34)
* Failing to account for an object, substance or mark, or to account for the presence of the client at a particular place (CJPOA 1994, ss. 36 and 37)
* Denying guilt in a police interview
* Lying in a police interview
* Making a confession
* Submitting a prepared statement
 |
| 1. Demonstrate an understanding of legal professional privilege
 | Candidates must be able to explain:* The rules regarding legal professional privilege: covering communications between a lawyer (including a representative) and their client which are made for the purposes of enabling the client to obtain or the lawyer to give legal advice
* The circumstances in which privilege does not apply
* Waiver of privilege, both express and implied
 |
| 1. Demonstrate knowledge and understanding of the rules regarding the admissibility of confession evidence, and evidence that may have an adverse effect on the fairness of proceedings, and the implications these rules may have for action to be taken by the solicitor or representative
 | * Candidates must be able to demonstrate a practical understanding of the rules regarding the admission and exclusion of:
* Confession evidence (PACE 1984, s. 76)
* Prosecution evidence that may have an adverse effect on the fairness of the proceedings (PACE 1984, s. 78)
* Confession by a co-accused

Candidates must be able to explain what action they would take (if relevant), having regard to the above rules, either at the police station or subsequently/ |
| 1. Demonstrate a practical understanding of the Police and Criminal Evidence Act 1984 (PACE) and the PACE Codes of Practice
 | 1. Demonstrate an understanding of the status of, and the relationship between, PACE and the Codes of Practice
 | Candidates must be able to demonstrate an understanding of the implications of the status of PACE (primary legislation), and the Codes of Practice (given effect by secondary legislation) in terms of:* Their application
* Their enforceability
* The relationship between the two, and between them and other forms of regulation, codes and other forms of guidance
 |
| 1. Demonstrate a practical knowledge and understanding of key provisions of PACE and the Codes of Practice and, where relevant, their interpretation by the courts
 | The key provisions of PACE and the Codes of Practice referred to in 5.b. are:* Powers of arrest
* Provisions regarding volunteers
* Powers of detention at a police station, without and following charge
* Detention time limits, and extension of detention without charge
* Review of detention
* Custody records
* Rights to information, including the right to be informed of procedural rights
* The right to consult a solicitor
* The right to have someone informed of an arrest
* Powers of search of the person
* Powers of search of property
* Powers to take biometric samples, photographs, footwear impressions and skin impressions, and drug-testing
* Provisions regarding children, and mentally disordered or vulnerable suspects
* Provisions regarding interpretation and translation
* Provisions regarding foreign nationals
* Provisions regarding police interviews, including commencement and termination, intervention by the solicitor or representative, and recording of interviews
* Identification procedures
* The decision to charge
* Release without bail, or on bail without or following charge
 |
| 1. Demonstrate an understanding of the potential consequences of breach of provisions of PACE or the Codes of Practice, and appropriate action that may be taken by the solicitor or representative
 | Candidates must be able to demonstrate that they understand the potential consequences of breach of provisions of PACE or the Codes of Practice, and the courses of action open to the suspect and/or the solicitor or representative, including:* Referring a breach to a more senior officer
* Making a contemporaneous record of an identified breach
* Requesting that representations by the solicitor or representative be recorded on the custody record
* Exclusion of evidence
* Formal complaint
* Civil action against the police
 |