**Police station representative accreditation scheme**

**Part 3 Standards of performance**

**Unit 3 Responding to a request to attend**

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| Assessment outcomes  The candidate will be able to: | Assessment criteria  The candidate can: | Knowledge, understanding and skills |
| 1. Obtain initial information about the detained person and their circumstances | 1. Obtain appropriate initial information about the detained person and relevant circumstances, depending upon the source of the request | The initial request to attend may come from the Defence Solicitor Call Centre (DSCC), a third party, or (less frequently) the police or the person detained. The initial information to be obtained will depend upon the source of the request.   * Request from the DSCC – seek information concerning the name and location of the detained person, and the offence(s) for which they have been arrested * Request from a third party – seek information about their relationship with the detained person, what they know about the circumstances of the arrest, and the location of the detained person * Request from the police – seek information about the location of the detained person, whether they have been arrested or are a volunteer, the offence(s) for which they have been arrested or in respect of which they are a volunteer, and the reason why the request has not been directed to the DSCC * Request from a suspect – seek information about whether they have been arrested, their location and, if arrested, the reason for and circumstances of the arrest. |
| 1. Make an appropriate assessment of the authority, and any obligation, to act for the detained person | * If the initial referral is from the DSCC or the police, this is sufficient authority to act, subject to confirmation by the suspect at the earliest opportunity * If the initial referral is from a suspect, confirmation that they wish the solicitor or representative to act for them should be obtained * If the initial referral is from a third party, an assessment should be made of whether their instructions arise from a genuine concern for the suspect’s welfare and should be confirmed with the suspect at the earliest opportunity.   The solicitor or representative should make an assessment of any obligation to act for the suspect and/or to attend in person. For example:   * The SCC requires that the solicitor or representative should endeavour to make first contact with the client (in person or by telephone) within 45 minutes of first notification of the request for advice. * The SCC provides that in the absence of exceptional circumstances, once a case has been accepted, attendance in person is mandatory –   + To provide advice and to attend all police interviews with the client where the client has been arrested in connection with an offence   + At an identification parade, group identification or confrontation   + Where the suspect complains of serious police maltreatment. |
| 1. Identify any initial indications of vulnerability, or special needs, of the suspect | These may result from, or be associated with:   * Age * Mental disorder or other mental vulnerability * Inability to speak or understand English * Immigration status. |
| 1. Accurately record all information obtained | * All relevant information obtained must be recorded, including the time that the initial call was first received, and the case accepted, and the time that first contact is made with the client. * If the source of the referral is the DSCC, the referral reference number must also be recorded * If the source of the referral is a third party, their relationship to the suspect must be recorded. |
| 1. Consult with the custody officer or detention officer by telephone | 1. Inform the custody officer or detention officer of the solicitor or representative’s instructions | The custody officer or detention officer should be informed of:   * The solicitor or representative’s identity, status and firm * The fact of, and source of, the instructions to act for the suspect.   The custody officer or detention officer should be asked to note the solicitor or representative’s telephone call in the suspect’s custody record. |
| 1. Seek confirmation that the suspect is at the relevant police station, and their status | The custody officer or detention officer should be asked to confirm:   * Whether the suspect is at the relevant police station in relation to the investigation of a criminal offence or offences * Whether the suspect has been arrested and detained, or is in attendance as a volunteer * The offence or offences of which the suspect is suspected. |
| 1. Seek brief details of the circumstances leading to the presence of the suspect at the police station | The solicitor or representative should endeavour to obtain the following information:   * If the suspect was arrested, the date, time and reason(s) for the arrest and the date, time and reason(s) for authorisation of detention * If the suspect is a volunteer, the date and time of attendance at the police station, and the reason(s) for attendance * The date and time of the suspect’s request to consult a solicitor * Whether the suspect has been identified as a juvenile, mentally vulnerable, or as having any special needs, and any action taken * Whether a risk assessment has been conducted and, if so, the outcome and any action taken. |
| 1. Seek brief details regarding the investigation | The information to be obtained at this stage includes:   * The identity of the officer(s) dealing with the case * Whether an interview has already been conducted and, if so, the reasons and authority * Whether and when an interview (or further interview) of the suspect is likely to take place * Whether any other investigative acts, such as search of the person or property have been conducted and/or are anticipated * Whether anyone else has been arrested or is being sought in relation to the suspected offence(s). |
| 1. Seek to speak to the suspect on the telephone, and deal appropriately with any delay or lack of co-operation | The solicitor or representative should normally speak to the suspect on the telephone, either immediately or within a short period of time (see 1.b. above); although this may be delayed if, for example, the suspect is incapable through drink or drugs. Any refusal to facilitate telephone access must be dealt with appropriately, and a full record made.  Note that the police may delay access to a solicitor for up to 36 hours if this is authorised by a superintendent or above, having been satisfied that one or more of the statutory criteria for doing so are satisfied (PACE 1984, s. 58(8)). |
| 1. Consult with the client by telephone | 1. Inform the client of the representative's status, and confirm instructions | The solicitor or representative should:   * inform the suspect of their name and firm, whether they are a solicitor or representative, and whether they are acting as a duty solicitor/representative or own solicitor/representative * Check that the suspect understands their right to consult a solicitor, and that they are entitled to do so free of charge * Confirm that the suspect wishes to instruct them and, if acting as a duty solicitor, that they are not obliged to do so. |
| 1. Seek to establish whether the conversation is confidential, and that the client understands | The solicitor or representative should:   * Seek to assess whether the conversation is likely to be confidential, for example, whether the call is in the presence of a police officer or detention officer * Advise the client, as appropriate, of the implications and importance of lack of confidentiality. |
| 1. Make an initial assessment of whether the client is vulnerable or has any special needs | The solicitor or representative should check with the client any information already received about possible vulnerabilities and/or special needs and, if necessary, seek further information from the client in order to make an appropriate assessment. |
| 1. Provide the suspect with advice about their status, their right to consult a solicitor or representative in person, and their right to silence | Initial advice should be given to the client regarding:   * Their status - for example, if they have been arrested and detained, the initial periods of detention; and if they are a volunteer, that they are free to leave the police station unless they are arrested * Their right to consult with a solicitor or representative in person, and for the solicitor or representative to be present at any police interview * Their right to silence, and the importance of not answering questions if interviewed prior to the solicitor or representative’s arrival at the police station. |
| 1. Decide what action to take and communicate the decision | 1. Make an assessment of their competence to advise on the case | The solicitor or representative should assess whether they are competent to deal with the case, taking into account: the seriousness and complexity of the suspected offence(s); any vulnerabilities or particular needs of the client; and their knowledge, expertise and level of experience.  Note that probationary representatives are not permitted to provide advice in respect of indictable-only offences. |
| 1. Take appropriate action if the case is outside of their competence | If the solicitor or representative concludes that the case is outside of their competence, they should consider:   * Whether they are able to continue to act with advice and/or supervision from a more experienced * Whether the case should be referred to a more experienced solicitor or representative.   In either case, appropriate action should be taken to ensure that either appropriate advice/supervision is forthcoming, or that the case is referred to and experienced solicitor or representative, without delay. |
| 1. Assess whether they should attend upon the client in person, and the timing of such attendance | The solicitor or representative should make an assessment of whether they should attend upon the client in person, taking into account:   * The obligation to attend in person under the SCC (see 1.b. above) * Whether the client is vulnerable, is under the influence of drink or drugs, or has other particular needs * Whether they are satisfied that confidential advice can be provided on the telephone, and whether they can establish adequate communication with the client by this method * The outcome of any risk assessment carried out by the police, and whether this indicates that attendance in person is necessary * The wishes and/or instructions of the client.   Having decided to attend in person, the solicitor or representative should consider when they should attend, taking into account:   * The nature and seriousness of the suspected offence(s) * How long the client has been at the police station * Whether the client appears to be distressed and/or vulnerable * When the police are intending to interview, or conduct some other investigative measure. |
| 1. Inform the custody officer and client of the proposed course of action | The solicitor or representative should inform the custody officer or detention officer of their decision regarding attendance in person, and the likely time of their attendance, and should ask that this be noted on the custody record.  The solicitor or representative should speak to the client to inform them of the likely time of attendance, and to advise them not to answer questions if the police proceed to interview before they arrive. |