**Police station representative accreditation scheme**

**Part 3 Standards of performance**

**Unit 5 Consult with the client**

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| Assessment outcomes  The candidate will be able to: | Assessment criteria  The candidate can: | Knowledge, understanding and skills |
| 1. Introduce themselves to the client, seek their trust and assess their needs | 1. Inform the client of their status, if not previously given | The solicitor or representative should, if the information has not previously been provided:   * inform the client of their identity, status and firm * confirm whether they are acting as duty solicitor or own solicitor. |
| 1. Seek the trust and confidence of the client | This will depend upon a range of factors, including whether the client is known to the solicitor or representative, whether they have been arrested before, whether they have any particular vulnerability of needs, and the seriousness of the suspect offence(s).  Appropriate actions may include:   * Informing the client of the solicitor or representative’s role * Confirming that the client is covered by legal aid * Confirming that the consultation is private and confidential, and that the solicitor or representative will not disclose to the police or any other person any information provided by the client without their consent * Ascertaining whether the client has any immediate preoccupations or specific needs, for example, medication, food, concern about children or other dependants, etc. |
| 1. Assess the client's fitness for interview and whether they have any particular needs, and deal with them appropriately | Having regard to any information provided by the custody officer, investigating officer and/or a third party, the solicitor or representative should, as appropriate, explore the client’s fitness for interview and/or any vulnerabilities.  Fitness for interview is governed by Code C para 12.3.  Particular needs may arise from, or be associated with:   * Age * Mental disorder or other mental vulnerability * Inability to speak or understand English * Immigration status.   If relevant, the solicitor or representative should consider what actions are appropriate, for example, seeking a medical examination of the client, seeking to ensure the attendance of an appropriate adult or interpreter, or seeking the delay of any police interview. |
| 1. Ascertain whether the client has any particular concerns arising from their arrest and detention, or attendance as a volunteer, and deal with them appropriately | The client should be asked about the circumstances of their arrest and detention, and whether they have any complaints about the way in which they were dealt with, including any complaints about inappropriate or unlawful conduct by the police.  If the client complains of police mistreatment, the solicitor or representative should consider what advice they should give to the client; for example, whether the matter should be raised with the custody officer, whether the matter should be raised during the course of the police interview, and/or whether a formal complaint should be lodged. |
| 1. Provide appropriate information, take instructions and give advice | 1. Inform the client about the suspected offence(s) | The solicitor or representative should inform the client of:   * The information they have obtained from the police about the suspected offence(s), including any evidence the police say they have * What the prosecution would have to prove if the client is prosecuted * The strengths and weaknesses of the police case, so far as it is known * What other evidence the police may seek to obtain. |
| 1. Take instructions from the client concerning the suspected offence(s) and any relevant circumstances | The solicitor or representative should, having regard to the information obtained from the police and the matters that have to be provided in relation to the suspected offence(s):   * Ask the client to provide an account of the circumstances of their arrest or attendance as a volunteer * Ask the client to provide an account of relevant facts and circumstances concerning the suspected offence(s) * Explore any relevant matters with the client in greater detail as necessary * Ascertain whether the client has made any admissions, or made any significant statement, to the police * Obtain, as necessary, relevant information concerning the client’s background and circumstances. |
| 1. Consider any relevant ethical issues and determine the appropriate course of action | The solicitor or representative should consider whether any ethical issues arise from the instructions obtained and advise accordingly.  Ethical issues that may arise include whether there is a conflict of interests (for example, in relation to another client), or whether the client intends to lie to the police about their identity or facts relating to the suspected offence(s). |
| 1. Provide reasoned and considered advice to the client regarding their legal position and the strategy to be adopted in the police interview(s) | Taking into account the information obtained from the police and the instructions obtained from the client, the solicitor or representative should advise the client, as relevant and appropriate, concerning:   * The strength of the police case, taking into account relevant evidential factors * Whether the client has a defence * Their right to silence * Any advantages of admitting guilt, including diversion from prosecution and sentence discount * Whether the client should answer questions, remain silent or submit a prepared statement. |
| 1. Explain to the client the procedure to be adopted in the police interview, and their role | The solicitor or representative should explain to the client:   * How the police interview will be conducted, including who is likely to be present, what tactics may be adopted by the police, how long it may last, how it will be recorded * The significance of the police interview, and how it may be used * How the client should conduct themselves in the interview * The role of the solicitor or representative, the circumstances in which they will intervene, and the client’s right to legal advice in private during the interview. |