

**OFFICE OF THE POLICE AND CRIME COMMISSIONER
FOR HUMBERSIDE
DECISION RECORD**

Decision Record Number: **20/2023**

Title: Appropriate Adult service for Hull and East Riding of Yorkshire

Executive Summary

The Police and Criminal Evidence Act 1984 (PACE) codes of practice provide for an appropriate adult to be called to the police station should the detainee be vulnerable.

Whilst there is guidance from the Home Office, there is no statutory responsibility placed on Local Authorities to provide Appropriate Adult services for vulnerable adults.

Currently this service in Hull and the East Riding of Yorkshire is funded directly by the police however, there are concerns that this approach could be a conflict of interest.

In the interim, to ensure transparency and for Hull City Council to budget for the service in the future the Office of the Police and Crime Commissioner (OPCC) has agreed to fund the service until March 2025.

From April 2025, Hull City Council have acknowledged that they will fund the service and explore with other Local Authorities the possibility of jointly procuring a service.

Decision of the PCC

Approved

Background Report: Open

Police and Crime Commissioner for Humberside

I confirm I have considered whether or not I have any personal or prejudicial interest in this matter and take the proposed decision in compliance with my code of conduct.

Any such interests are recorded below.

The above decision has my approval.

Signature



Date 14/06/2023

**POLICE AND CRIME COMMISSIONER
FOR HUMBERSIDE**

SUBMISSION FOR: DECISION

OPEN

Title: Appropriate Adult service for Hull and East Riding of Yorkshire

Date: 24 May 2023

1. Executive Summary

The Police and Criminal Evidence Act 1984 (PACE) codes of practice provide for an appropriate adult to be called to the police station should the detainee be vulnerable.

Whilst there is guidance from the Home Office, there is no statutory responsibility placed on Local Authorities to provide Appropriate Adult services for vulnerable adults.

Currently this service in Hull and the East Riding of Yorkshire is directly funded by the police however, there are concerns that this approach could be a conflict of interest.

In the interim, to ensure transparency and for Hull City Council to budget for the service in the future the Office of the Police and Crime Commissioner (OPCC) has agreed to fund the service until March 2025.

From April 2025, Hull City Council have acknowledged that they will fund the service.

2. Recommendation(s)

The Police and Crime Commissioner agrees to fund the Appropriate Adult Service for 2 years from April 2023 to March 2025, as per option 3 below.

3. Background

North East Lincolnshire Council and North Lincolnshire Council have arrangements in place to ensure that there is an Appropriate Adult service in their areas. Feedback informs us that this arrangement is working well.

Currently in Hull and the East Riding of Yorkshire, Humberside Police are funding the Appropriate Adult service. In the financial year 2022/223 this service was provided on 373 occasions.

There are concerns that this arrangement could be a conflict of interest.

Whilst there is guidance that suggests Local Authorities should fund Appropriate Adult Services, this is not statutory.

4. Options

Option 1: Continue current funding arrangements

The current funding arrangements ensures that there is an Appropriate Adult service in Hull and the East Riding of Yorkshire however, the service is funded by Humberside Police which could be a conflict of interest. The service provided via North Lincolnshire Council and North East Lincolnshire Council, who commission a provider to fund the Appropriate Adults service will continue.

Option 2: Cease current funding arrangements

By ceasing the current funding arrangement would leave Hull and East Riding of Yorkshire without an Appropriate Adult Service against the PACE codes of practice and Home Office guidance.

Option 3: OPCC fund Appropriate Adult Service in Hull and East Riding of Yorkshire until 31 March 2025 (recommended)

OPCC fund the Appropriate Adult service in the interim by providing the funding to Hull City Council who will commission an Appropriate Adult service, this will ensure that there is a service in Hull and the East Riding of Yorkshire. Hull City Council have agreed that this will be funded by them from April 2025.

Hull City Council will be responsible for recharging East Riding of Yorkshire Council for detainees that require an Appropriate Adult provided in the East Riding of Yorkshire.

The current arrangements in North Lincolnshire and North East Lincolnshire will continue.

5. Financial Implications (Seek financial advice from Chief or Deputy Chief or Deputy Chief Finance Officer)

The OPCC have calculated, based on referrals during 2022/23 that the service will cost up to £30,000 per annum. The Deputy Chief Finance Officer has agreed for a virement of £28,000 to be transferred to the OPCC as a current and permanent budget.

The OPCC will need to fund the service in the interim, whilst awaiting Hull City Council to commission a service. This will reduce the amount awarded to Hull City Council in the current financial year.

6. Legal Implications (Seek advice from Legal Services)

The funding will be provided via a grant offer setting out the terms of funding. The grant agreement has been written to make it clearer and improve accountability. The agreement text was checked by the Head of Legal Services.

7. Driver for Change/Contribution to Delivery of the Police and Crime Plan

One of the three aims of The Police and Crime Plan is Effective Organisations, ensuring the system works better for local communities. Providing the Appropriate Adult service contributes to this aim.

8. Equalities Implications (Have due regard to the Public Section Equality Duty)

No equality implications have been identified by the OPCC in relation to this funding.

9. Consultation

The new arrangements have been consulted on with relevant staff from Hull City Council and the OPCC including the Police and Crime Commissioner, Chief Executive, Deputy Chief Finance Officer, and the Assurance Manager.

10. Media information (Seek advice from Head of Communications)

Whilst the decision record will be open, there is no requirement for a media release.

11. Background documents (This will be published if open)

DPIA is available and attached.

12. Publication

Open.

13. DPIA considered (Data Protection Officer will complete full checklist – see attached)

A Data Protection Impact Assessment (DPIA) has been considered and carried out on the 15 May 2023, following consultation with the Data Protection Officer. The DPIA is appended to this decision record.

The DPIA confirms that the project does not involve the processing of personal data.

Data Protection Screening – Appropriate Adults Service

The Appropriate Adults service provides appropriate adults to people who require them while in police custody. It is administrated by a third-party supplier who identifies and coordinates the volunteers and liaises directly with the police when an Appropriate Adult is required for a detainee.

The provider will manage the list of people and contact details, this will not be shared with the OPCC. Statistical returns will be made but these will comprise of non-personal aggregated data.

| | |
|---|-----------|
| Does the project involve the processing of personal data? | No |
| What is the lawful purpose for processing personal data? Consent, Contract, Legitimate Interests, Vital Interests, Public Task, Legal Obligation | |

If any of the below answers are YES then a Data Protection Impact Assessment is required.

| DPIA Screening Questions | Yes/No |
|--|---------------|
| Will the project involve the collection of new information about individuals? | |
| Will the project require individuals to provide information about themselves? | |
| Will information about individuals be shared with organisations or people who have not previously had routine access to the information? | |
| Will the project use information about individuals for a purpose it is not currently used for, or in a way it is not currently used? | |
| Does the project involve you using new technology that might be perceived as being privacy intrusive? For example, the use of biometrics or facial recognition. | |
| Will the project result in you making decisions or treating individuals in ways which can have a significant impact on them? | |
| Is the information about individuals likely to raise privacy concerns or expectations, for example, health records or information that people would consider to be particularly private? | |
| Will the project require contact with individuals in ways they may find intrusive, for example, unexpected telephone calls? | |
| Will the project transfer personal data outside the UK (e.g. use of Cloud services)? | |
| Will the project involve processing special category personal data or criminal offence data? | |
| Will the project involve the processing of under 18's personal data? | |

DPIA Assessment completed by: Mike Richmond

Date: 15/05/2023

Notes: A Data Processing Contract will be required