

# Good practice guide for police station representatives

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This guide outlines what good practice looks like for police station representatives. It is designed to help individuals who qualify through the Police Station Representative Accreditation Scheme to competently practise. We developed it with a range of stakeholders including the Legal Aid Agency, police station representatives, the Public Defender Service and organisations representing clients.

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## **Solicitors who are Police Station Representatives**

If you are a solicitor who represents people in police stations, we expect you to use this guide to help you:

- meet your duty to act in, and protect, your clients' best interests at all times.
- deliver a competent service, as required by our [Code of Conduct](https://upgrade.sra.org.uk/solicitors/standards-regulations/code-conduct-solicitors/).
- meet your [continuing competence obligations](https://upgrade.sra.org.uk/solicitors/resources-archived/continuing-competence/), by maintaining your competence to carry out your role and keeping your knowledge and skills up to date.
- explain to your clients what they can expect from you.

If you are a solicitor who supervises police station representatives, we expect you to use this guide to help you supervise their work effectively and make sure it is completed to an appropriate standard, as required by our [Competence Statement](https://upgrade.sra.org.uk/solicitors/resources-archived/continuing-competence/cpd/competence-statement/).

You can also use this guide alongside some of our other resources, for example, our [Good practice guide for youth court solicitors](https://upgrade.sra.org.uk/solicitors/resources-archived/continuing-competence/cpd/youth-court-advocacy/good-practice-guide/) can help you if you represent children in police stations.

## **Firms we regulate who employ Police Station Representatives**

We expect firms we regulate to use this resource to meet their competence obligations under our [Code of Conduct for Firms](https://upgrade.sra.org.uk/solicitors/standards-regulations/code-conduct-firms/) by



making sure any employees or third parties they engage who represent clients in police stations are, and remain, competent to do so.

## **Non solicitor Police Station Representatives**

If you are a police station representative who is not a solicitor, you can still use this guide to help you deliver a competent service and keep your knowledge and skills up to date.

### **Knowledge and skills**

A good police station representative will keep their knowledge and skills up to date and apply them effectively when representing people in respect of matters involving:

- Police powers, procedures, duties and responsibilities under the Police and Criminal Evidence Act 1984 (PACE) and its codes of practice, for example, regarding arrest, detention, obtaining samples, undertaking searches, disclosing evidence and obtaining interpreters.
- The police's specific duties regarding children in police stations, including to secure an appropriate adult, have regard to the welfare of children and use custody as a last resort.
- The police's specific duties under PACE and its codes of practice regarding vulnerable people, including to secure an appropriate adult.
- The criteria for assessing fitness to be interviewed under PACE Code C.
- Authorised Professional Practice for the police, rules of professional and ethical conduct and relevant good practice guidance.
- Criminal law, guidance and procedure, including as it relates to specific offences, bail and remand, and sentencing.
- Rules of evidence, including how they apply to different types of evidence such as forensic evidence and digital evidence.
- Engaging with and advising people in the police station, including children, vulnerable adults and people with speech, language and communication needs. These can include difficulties communicating in English, disabilities, mental health conditions and neurodivergence.
- Engaging with and advising people from communities that have less trust in the police.
- Engaging with and obtaining information from the police, including custody officers and investigating officers.
- Engaging with appropriate adults, interpreters and any wider organisations in the police station.
- How to identify and escalate police disciplinary breaches, and how to refer a client to a suitably qualified practitioner in cases of police misconduct that may give rise to a civil cause of action.



## **Awareness of key information and clients' needs**

A good police station representative will:

- Understand how to conduct a joint risk assessment to ensure that the police discharge their statutory obligations regarding third party visitors to police premises, and how to escalate any non-compliance or dissatisfaction with that process.
- Know what personal risk mitigating measures they can use, for example, sitting between their client and a door and refusing to be locked inside a room.
- Understand the statutory obligations on employers to keep an up-to-date risk assessment of employees' working practices and how to contribute to it.
- Engage with their client at the earliest possible stage to inform them of their rights in the police station, that police station representatives are independent of the police and that a lawyer is required to act in their client's best interests.
- Obtain and review key information as soon as reasonably practicable, which may be after they arrive at the police station. This includes information about the client, the alleged offence, any associated suspects, the circumstances of and reasons for any police decisions, the officers involved and any custody record.
- Scrutinise the basis for any police decisions to authorise or continue detention.
- Take active steps to find out whether their client has any developmental, communication, cognitive, emotional, medical, neurodiverse and/or mental health needs. Once needs are identified, with the client's consent, take appropriate action to address or make adjustments for those needs.
- Take active steps to understand their client's alleged offending behaviour in the context of their circumstances, needs and background.
- Be alert to any signs that their client is a victim of exploitation or modern slavery.
- If needed (ie if the police have not already done so), identify any signs that their client is not fit to be interviewed and take appropriate action in response.
- Make sure they work within the limits of their competence and have the knowledge and skills to deal with any specific or additional needs of their client.
- If the police have not secured an appropriate adult or an interpreter, take active steps to identify if it would be in their client's best interests to secure one.
- Where appropriate, ensure that the police fulfil their obligations to disclose the evidence they have against their client and consider escalating a complaint in the event of non-compliance.
- Identify any issues of police misconduct, including breaches of the requirements of PACE and its codes of practice.



- Understand what diversion schemes and frameworks for out of court disposals are available.
- Identify the issues that will be raised in the police interview, on which they need to advise their client and take instructions on. Examples include whether the client was present at the scene of an offence, and the location and time of an offence.
- Keep a comprehensive record from the outset of their involvement with their client, including of the information they receive and any refusal of requests made to the police. This is especially important if the case will be handled by someone else after the police station.

## **Effective advice and representation**

A good police station representative will:

- Evaluate the strength of the evidence against their client by first analysing the information they obtain from the police and the custody record, then the additional information they obtain from their client.
- Challenge any decisions to authorise or continue detention as soon as reasonably practicable, if it would be appropriate, and in their client's best interests to do so.
- Advise their client on the best strategy to adopt. This can include whether to participate in an identification procedure, provide samples, how to answer questions, whether to make a statement, either verbally or in writing, and whether to confess.
- Take steps to seek to ensure that any third parties understand that their advice is confidential and subject to legal professional privilege.
- Adapt their advice to a client's ability to cope with a police interview and consider, where appropriate, if it would be in a vulnerable client's best interests to follow the normal procedures for an interview under caution or the alternative under PACE Code C.
- Inform the police that they need more time to analyse information, form their advice and liaise with their client, if needed and if it would be in their client's best interests to do so.
- Make sure their client understands the potential consequences of adopting a particular course of action in the police interview, for example, making a confession or remaining silent.
- Prepare their client for interview, for example, by making sure they understand the interview processes and that they may ask for a break or for the interview to be suspended at any time if they require further legal advice in private.
- Where appropriate, seek to negotiate bail and/or bail conditions on behalf of their client, ensure that any out of court disposals have been properly considered, and that suitable accommodation is actively sought in the event of a youth being held in custody overnight.



- Challenge the police in a robust but professional way, when this would be in their client's best interests.
- Intervene in a police interview to seek clarification from the police or advise their client, if needed.
- Make sure their client understands the outcome(s) of the police interview.

## **Communication and engagement**

A good police station representative will:

- Speak clearly and concisely, using plain language that their client can understand.
- Identify and adapt how they communicate and engage with their client to reflect their needs, circumstances and vulnerabilities.
- Take appropriate steps to build trust with their client, including by ensuring that their client understands their rights, that a police station representative or solicitor is independent of the police, and that a lawyer is required to act in their client's best interests.
- If their client has been arrested, make sure they understand what they have been arrested for, why they have been arrested and the elements of the alleged offence(s) which the prosecution would need to prove.
- If their client is attending a police interview voluntarily, make sure they understand the nature of the police investigation of which their interview is a part.
- Respond effectively to their client's questions or concerns, for example, about how long they may be detained without charge.
- Recognise that it may take longer for children, vulnerable adults and people who need an interpreter to understand information and give their account.
- Use appropriate methods to make sure their client understands information. These can include active listening and explaining things in a different way.
- Engage effectively with the police. This can include challenging them in a robust but professional way.
- Engage effectively with appropriate adults and interpreters. This can include taking appropriate steps to help them understand their role.
- Where appropriate, ask for their representations to be recorded on the custody record.
- Make a note of any refusal to record their representations on the custody record, notify their client as to the potential consequences of the refusal and where the recorded evidence of it is, should they need it in the future.

## **Engaging with wider organisations**

Where appropriate at the police station, a good police station representative will:



- Engage effectively with any healthcare professionals who are advising the police whether their client is fit to be interviewed.
- Engage effectively with youth offending teams, children's social care services and liaison and diversion services, if their client is a child and it would be in their interests to do so.
- Engage effectively with adult social care services and liaison and diversion services if their client is a vulnerable adult and it would be in their interests to do so.
- Engage effectively with a local authority and/or social worker if their client is a looked after child and it would be in their interests to do so. If a child has allegedly offended in their care setting, this can help find them a safe place to sleep and avoid unnecessary detention.