

**Appropriate Adult  
National Oversight Group  
Minutes of Meeting on 3rd March 2025, 10:00am-11:10am, via  
Microsoft Teams**

**Attendees (18)**

Sandy Riddell, Mental Welfare Commission for Scotland (**Chair**)  
Anil Gupta, Convention of Scottish Local Authorities (COSLA)  
Brenda Walker, Institute for Research and Innovation in Social Services (Iriss)  
Catherine Anderson, National Appropriate Adult Coordinator, Convention of Scottish Local Authorities (COSLA)  
Claire Johnston, Crown Office and Procurator Fiscal Service (COPFS)  
Diane Greenaway, The Appropriate Adult Service (TAAS) Ayrshire  
Franck David, People First Scotland (Supporting Offenders with Learning Difficulties (SOLD) Network)  
Gillian Sandie, Victims & Witnesses Unit, Scottish Government  
Jane Kelly, Care Inspectorate  
Kay Newton, Care Inspectorate  
Kelly-Marie Smith, North Lanarkshire Council  
Laura Clark, Carr Gomm  
Laura Hoskins, Community Justice Scotland  
Leanne Murphy, Scottish Legal Aid Board  
Neil Gibson, Social Work Scotland  
Rachel Tatler, Victims & Witnesses Unit, Scottish Government  
Stephen Grimason, Police Scotland  
Tony Bowman, Association for Real Change (ARC) Scotland (Supporting Offenders with Learning Difficulties (SOLD) Network)

**Apologies (3)**

Gillian Murdoch, Police Scotland  
Hugh Duncan, Public Defence Solicitors' Office (PDSO)  
Stuart Lewis, Police Strategy and Collaboration Unit, Scottish Government

**1. Welcome/Apologies & Introductions**

Catherine noted apologies from Hugh Duncan (Public Defence Solicitors' Office (PDSO), Gillian Murdoch (Police Scotland), and Stuart Lewis (Scottish Government). Sandy welcomed everyone to the meeting and attendees then took it in turn to introduce themselves to the group. Sandy then highlighted the earlier distribution of the Appropriate Adult National Oversight Group Terms of Reference. Today's meeting marked a reset in moving the Appropriate Adult service forward and the Terms of Reference were a timely reminder of the objectives of the group. Sandy informed the group that Anil would be retiring at the end of March 2025, and he expressed his gratitude to Anil for his support and commitment to the Appropriate Adult service.

## **2. Update from National Appropriate Adult Project**

### **1. Introductions**

Catherine informed the group that she had been trying to meet with all local authority areas since starting her role, in order to understand how the Appropriate Adult service was being delivered across Scotland and receive feedback in relation to such delivery.

### **2. Priorities over next three months**

Catherine outlined that her priorities for the next three months were to:

- review the current training hosted by West Lothian college
- create a Question and Answer (Q&A) document for Appropriate Adults cited to court, outlining the kind of questions/topics they may be asked, in co-ordination with Claire from COPFS
- refresh the national guidance in co-ordination with the Scottish Government

### **3. Data Collection**

Catherine summarised the previous work that had been done to establish a national minimum data set for the Appropriate Adult service. This work had now been restarted in co-ordination with the Scottish Government. Catherine was also planning to meet with Brenda from Iriss to learn from their model. The data collection would be helpful in informing the future delivery of the Appropriate Adult service. Updates would be shared and feedback requested from the group and stakeholders as the work progresses.

Brenda noted that Iriss have created a model for data collection using an inclusive and collaborative approach. Brenda highlighted that one of the biggest issues was varying understandings of terminology and code of practice across local authority areas.

### **4. Feedback from Local Meetings (decreasing numbers)**

Catherine highlighted three key issues from her engagement with local authority areas.

#### **Funding**

Some areas had said they did not believe they were receiving sufficient funding for delivery of the Appropriate Adult service.

Sandy recognised that it was an extremely tough time in relation to budgets and funding and thus some rather difficult decisions will have been made. Sandy suggested it may be beneficial to evaluate how the service is being led and supported at each local level.

## **Solicitors**

Solicitors were not attending at police stations when required.

The group noted that this was an issue others were aware of, in which vulnerable accused people were being charged without being interviewed; due to the solicitor telling them, or telling them to tell the police, that they are not coming and thus the police cannot interview you. However, if accused people follow this instruction, it means people are being charged before having an opportunity to give their version of events. It was suggested that it may be a matter to discuss with the Bar Associations.

In relation to the solicitor contact line for accused persons without their own solicitor, it was suggested that there was a conflict between the legislation and the Law Society of Scotland's Code of Conduct.

The solicitor contact line frequently receives calls informing them that the accused person is a vulnerable adult, and an appropriate adult should attend, however the accused person does not wish to speak with the advice line and as such the advice line is not allowed to speak with them.

The Law Society of Scotland's Code of Conduct clearly states that the instructions must emanate from the client directly and not a third party. If the accused person does wish to speak with the advice line, then the advice line is bound to inform them of their full rights; one of which is not to have a solicitor present. Thus, by not having a solicitor in attendance, the police cannot proceed to interview the accused person unless they exercise the power of exceptional circumstances.

As far as the group was aware, such powers had never been enacted or, if they had, they had not been tested in court. From a solicitor's point of view the best result for their client is to not be interviewed as they then cannot incriminate themselves.

Sandy observed that this was very helpful information, which would be beneficial to take to the Appropriate Adult National Operational Group.

**Action – Catherine to inform Appropriate Adult National Operational Group on the possible reasons for lack of solicitor (and appropriate adult) attendance.**

## **Decreasing requests**

Some areas had reported a decrease in the number of requests for Appropriate Adult support across 2024 and there were questions as to whether the police were also aware of this trend. Due to a lack of data, it was difficult to ascertain which local authority areas this was most prevalent in and why this trend was occurring.

The group noted that they were aware of a decreasing number of requests and that this may be due to the police seeking an appropriate adult only when interviewing an accused person and not when just processing them. Generally, there seemed to be inconsistencies in when an accused person received appropriate adult support during their journey through the criminal justice system. It was suggested that

perhaps Police Scotland should review their protocol for when an appropriate adult may be required, particularly for recurring accused persons with ongoing mental health issues.

The group was supportive of involving Police Scotland in any discussions regarding solicitor non-attendance in order to make sure all justice partners were operating on the same basis and understanding. In relation to refreshed knowledge and understanding of process for Police Scotland, it was highlighted that police were in the process of revising their Standard Operating Procedure (SOP), as well as an Appropriate Adult toolkit. The toolkit would be a one-stop-shop on the Police Scotland intranet, accessible by all officers and members of staff, including on their mobile devices, with everything they need to know about the Appropriate Adult service.

### **3. Member Updates**

#### **1. Scottish Government – Refresh of Statutory Guidance**

Rachel provided an update on the refresh of the Scottish Government's Appropriate Adult statutory guidance. It was acknowledged that it had been a long time since the guidance was last distributed for feedback and, as such, draft guidance would be shared with members following this meeting for their consideration. It was hoped that this would be a near-final draft, so feedback should only be on significant issues, and once published more regular updates could be made in future. References in the guidance to a 'relevant specialist,' particularly in relation to Adults with Incapacity, remained for now but could be removed or updated depending on feedback and further stakeholder discussions.

Sandy thanked Rachel for the update and suggested a relatively short deadline be put in place for any feedback to ensure swift publication. A commitment to ongoing review could then be agreed.

Catherine was aware of issues and inconsistencies in relation to Adults with Incapacity and the 'relevant specialist' terminology.

The refreshed guidance could provide clarity on the situation to ensure a consistent national approach.

**Action – Catherine to email draft guidance to members with a deadline for any feedback and continue to work in co-ordination with members to agree resolution to Adults with Incapacity and the 'relevant specialist' issue.**

#### **2. Care Inspectorate – Core Assurances Update**

Sandy noted that the quality improvement framework to support self-evaluation for appropriate adult services in Scotland core assurances was due to be submitted to the inspectorate on 28 February 2025.

Kay and Jane provided an update on the introduction of self-evaluation for appropriate adult services in Scotland, particularly in relation to core assurances which reflect high level messages of how the service feels it is performing and plans for improvement. At present they had received 11 completed core assurances and five deadline extension requests. Kay and Jane planned to begin collating and analysing the responses in the next month, and ultimately publish the findings later this year as a kind of benchmark. The feedback on this project had also been very positive and encouraging, with appropriate adults feeling valued for their contribution and empowered to improve standards.

Sandy commended Kay and Jane for this extremely positive piece of work which would be invaluable in terms of the information gathered.

### **3. Diane Greenaway (TAAS Ayrshire) Court Support Input**

Diane shared a detailed account of The Appropriate Adult Service (TAAS) Ayrshire's court support service, with Ayrshire being the only local authority area to provide such a service. The court support service was created at the request of the local authority and is recognised by all users for providing a valuable service. Ultimately Diane believed the court support service could still be improved, particularly in terms of consistency, and should urgently be extended to all local authority areas. At present, Diane feared it could be argued that the lack of a national court support service was a breach of Article 6 of the European Convention on Human Rights (ECHR) – the right to a fair trial – and the Equality Act 2010, possibly leading to a miscarriage of justice.

Sandy thanked Diane for the unique insight into The Appropriate Adult Service (TAAS) Ayrshire and noted that it gave members a lot to reflect on.

### **4. AOB/Other Member Updates**

No other business was raised.

### **5. Date of Next Meeting**

After discussion among the group, it was agreed the next meeting should take place in June 2025 via Microsoft Teams. Catherine would send a poll to members to identify a suitable date.

Sandy also suggested considering an in-person meeting in the autumn or spring 2026, particularly because of the networking opportunities available on the margins of the meeting.

**Action – Catherine to send poll to members to identify a suitable date in June 2025 for next meeting.**