Age Assessment of Unaccompanied Asylum Seeking Children

All Wales Multi-Agency Toolkit

Published: July 2015. Version 1
Author: Wales Strategic Migration Partnership

We welcome your comments and feedback on this Toolkit, which will be updated annually. Please check the WSMP website for the most up to date version.
Contact

Wales Strategic Migration Partnership (WSMP) for Asylum Seekers, Refugees and Migrants

The Wales Strategic Migration Partnership is funded by UKVI and is based at the Welsh Local Government Association. The WSMP is a partnership organisation which provides a strategic leadership role and an independent, advisory and consultative body on migration across Wales. The partnership allows sharing of expertise, diverse range of views and information on asylum, refugee and EU migration in Wales.

Wales Strategic Migration Partnership
Local Government House
Drake Walk
Cardiff
CF10 4LG

Tel: 029 20 468635/58
www.wsmp.org.uk

Published: July 2015. Version 1
Copyright: Wales Strategic Migration Partnership
ISBN:
## Contents

### Acknowledgements

Section One

#### Introduction

1. Entitlements
2. Legal Context
3. Statutory Guidance and other relevant guidance
4. Section 55 of Borders, Citizenship and Immigration Act 2009
5. Child Protection

Section Two

#### Social Services Actions – Flow Chart

Section Three

#### Age Assessment Toolkit – Purpose

Section Four

#### Initial Actions Checklist – All Professionals

1. Referrals
2. Benefit of the doubt principle
3. Safeguarding
4. Initial assessment
5. Engaging an Appropriate Adult – age assessment
6. Advocacy, legal representatives and the asylum process
7. Police – initial actions
8. Immigration and Enforcement – initial actions
9. Age disputed cases – UKVI
10. Age disputed cases – Local Authorities

Section Five

#### Undertaking the Age Assessment – Planning and Preparation

1. Allocation of Social Workers
2. Statutory framework and timing
3. Multi-agency Working – information
gathering
4. Medical reports 36
5. Interpreters 37
6. Scheduling time for age assessment and 38
   follow up
7. Recording the interview 38

Six **Actions Checklists** (prior to undertaking 39
   age assessment)

Seven **Undertaking the Age Assessment** 43

Eight **Analysis and Decision Making** (includes 47
   other actions and independent checks)

Nine **Actions following completion of the age 49
   assessment proforma**
1. Delivering the decision
2. Information sharing
3. Gaining informed consent

Ten **Outcome:** 53

Annex 1: Record of interview questions sheet 54
Annex 2: Age Assessment Proforma – Social Workers 57
Annex 3: Age Assessment Form (Decision) / Client 70
Annex 4: Model Information Sharing Proforma 72
Annex 5: Age Assessment Information Sharing 75
   Consent Form
Annex 6: Supporting information:
   • Appropriate Adult 76
   • Additional vulnerabilities – health 76
   • Best Practice – working with interpreters 77
   • Merton-compliant 78
   • Police – Unlawful entry/detention, additional rights for 78
     children
   • Recording of interview/note on demeanour 79
   • Trafficking 79
   • Case law 80
Annex 7: Further Resources 83
Acknowledgements

This toolkit was commissioned by UK Visas & Immigration (UKVI) and developed with financial support from Welsh Government. It has been researched and written by Kate Tucker - Refugee Children Advice and Information Worker (funded by Welsh Government until March 2014) and Anne Hubbard (Director, Wales Strategic Migration Partnership). With assistance and contributions from:

- Emmy Chater, Migration Policy Officer, Newport City Council
- Karen Steemson, Senior Practitioner, Children’s Services, Newport City Council
- Lara Roderique-Davies, Senior Caseworker | National Referral Mechanism (NRM) Operational/Technical Lead, UKVI
- Kathy Northam, Safeguarding Coordinator, UKVI
- Vijayakala Smith, Asylum Team Leader/UASC Lead, UKVI
- Pat Westow, Administrator, Wales Strategic Migration Partnership
- Representatives of the All Wales Unaccompanied Asylum Seeking Children Practitioners’ Network
- Local Authorities
- Tros Gynnal
- Displaced People in Action
- Welsh Refugee Council
- Swansea University.

We also met with UKVI, Police and Children’s Services in the development of this work.
Section One: Introduction

In view of the fact that Age Assessment of Unaccompanied Asylum Seeking Children (UASC) is a contentious area of practice which can ultimately result in lengthy and costly court cases, and conscious of the lack of guidance for Social Workers in undertaking age assessments, the Wales Strategic Migration Partnership (WSMP) was asked by UKVI to undertake research with Local Authorities, agencies and individuals across Wales to assess knowledge and practice around age assessment. Based on this research, proposals were put to Head of Children’s Services in Wales on how to deliver consistent, high quality age assessments in Wales. After exploring a number of options, it was agreed that Local Authorities should continue to deliver age assessments in the Local Authority area where the young person presents, but enhance current practice through use of an age assessment toolkit, following the starting point for age assessment outlined in the All Wales Practice Guidance developed by WSMP (see 3 below). The toolkit, like the Practice Guidance, seeks to embed children’s rights in practice in line with the Welsh Government commitment to the UNCRC; the Rights of Children and Young Persons (Wales) Measure 2011, made Wales the first country in the UK to incorporate the United Nations Convention on the Rights of the Child into domestic law, presenting a critical opportunity for taking children’s human rights-based approach further. This Measure imposes a legal duty on Welsh Ministers to have due regard to the rights and obligations in the United Nations Convention on the Rights of the Child (UNCRC) and its Optional Protocols. 1

The Social Services and Well-being Bill which will commence on 1st April 2016, offers another important legislative opportunity to deliver on improving children’s well-being and make changes to safeguarding structures.

Though mainly aimed at Social Services practitioners, the age assessment toolkit is designed to enable a holistic, multi-agency assessment, with guidance for Social Workers, Police, UKVI and other agencies on joint working, and encompasses best practice on age assessment from a variety of sources. It recommends independent checks, and is guided

1 Refer to Annex 6 of the All Wales Practice Guidance which contains views of children & young people about the process.
by Merton case law principles. It also includes a flow chart, and information for young people undergoing the age assessment. We recommend that use of the multi-agency toolkit is underpinned by the following activities;

- Regular training for practitioners working with UASC
- Regular multi-agency meetings on age assessments. The regional meeting could be convened by a lead Local Authority, LSCB, or WSMP working in partnership with UKVI
- Dissemination of policy and practice information on care and support of UASC

Unaccompanied Asylum Seeking Children and Young People in Wales

The United Nations Geneva Convention of 1951\(^2\) has defined a refugee as being:

"any person who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable, or owing to such fear is unwilling to avail himself to the protection of that country; or who not having a nationality and being outside the country of his habitual residence, is unable or owing to such fear unwilling to return to it”.

Unaccompanied asylum seeking children are outside their country of origin and are without the care and protection of their parents or legal guardian and are usually referred to in policy terms as ‘UASC’. They are also sometimes referred to as ‘separated children’. For ease of reference, we will use the term ‘UASC/young’ person throughout this document. Due to a variety of reasons, a UASC/young person may have no record of their age or may not know their age. Sometimes these UASC/young people may have witnessed

\(^2\) [http://www.unhcr.org/pages/49da0e466.html](http://www.unhcr.org/pages/49da0e466.html)
or experienced traumatic events, and they may be suffering the most extreme forms of loss. There are many reasons why young people may leave their home country. Some of the reasons include;

- **fear of persecution, due to their religion, nationality, ethnicity, political opinion or social group**
- **parents having been killed, imprisoned or disappeared**
- **in danger of being forced to fight or become a child soldier; war, conflict**
- **poverty, deprivation**
- **sent abroad by parents/family**

**1. Entitlements**

While immigration legislation and policy are non-devolved, the provision of the majority of services that asylum-seeking and refugee children and young people receive is the responsibility of Welsh Government, Local Authorities and other public bodies in Wales.

As with any other child in the UK, a UASC/young person is entitled to social services’ assistance from the Local Authority where they present and as they transition into adulthood, or until they leave the United Kingdom, or until their needs are otherwise met.

Children and young people are more likely than not to be “**children in need**” within the meaning of s17 (1), CA 89 in view of their being alone in the UK with no family / friends to support them. They are entitled to assessment, support and protection in the same way as any other child.

**2. Legal Context**

The contents of this toolkit contain best practice and are for guidance only. It is not legally binding. However, failure to follow these guidelines could put you at risk of judicial review.
It is practitioners’ responsibility to keep knowledge updated on the practice of age assessment because it is currently led by constantly evolving case law. Until the point at which national guidance is available case law should be used to inform the practice of Children’s Social Services and other agencies involved. For the latest updates on age assessment refer to Children’s Legal Centre/Migrant Children’s Project.

3. Statutory and other relevant guidance

This toolkit should be used in conjunction with Safeguarding and Promoting the Welfare of Unaccompanied Asylum Seeking Children and Young People – All Wales Practice Guidance which is part of the All Wales Child Protection Procedures. In particular see ‘basic principles in assessing age’. The Age Assessment Toolkit has been designed to embed the principles of the United Nations Convention on the Rights of the Child (UNCRC) and of the Section 55 duty on UKVI.


A reservation on Article 22 of the UNCRC was lifted in 2008, leading to the development of Section 55 which came into force on 2 November 2009. It required, with immediate effect, UKVI to make arrangements to safeguard and promote the welfare of children in discharging its immigration, nationality and general customs functions.

5. Child Protection

Unaccompanied Asylum Seeking Children may have specific vulnerabilities and risks. If professionals have any concerns they should refer to their own organisational Child Protection and Safeguarding Guidance and the relevant All Wales Protocols and Practice Guidance, including:

- Female Genital Mutilation
- **All Wales Protocol: Safeguarding Children and Young People Affected by Domestic Abuse**
- **Safeguarding and Promoting the Welfare of Unaccompanied Asylum Seeking Children and Young People All Wales Practice Guidance**
- **All Wales Practice Guidance for Safeguarding Children Who May Have Been Trafficked**
- **The management of young people engaged in sexually harmful behaviour**
- **All Wales protocol - Missing Children**
- **Safeguarding children from abuse linked to a belief in spirit possession**
Section Two: Social Service Actions – Flow Chart // Referrals

1) Age disputed by UKVI and/or previous LA

2) Any Safeguarding or Child Protection concerns i.e. trafficking, risk of going missing, CSE etc.

3) Initial assessment – to include consideration about age, need for interim emergency accommodation, support and asylum claim

4) Has age been disputed by another LA? Children’s Services request previous age assessment.

5) Undertake Age Assessment
   - Appropriate adult to be present
   - Outcome: child under 18? (P.23)

6) Inform UKVI of decision and send summary of assessment with consent

Referral into Children’s Services Duty Team/Out of Hours or Child presents at Local Authority – Give the young person the benefit of the doubt

(Refer to Initial Actions Checklist and ensure actions are completed/prepared)

Social Services Actions Flow Chart
Section Three: Age Assessment Toolkit – Purpose

The purpose of an Initial Assessment is to determine whether a young person is under 18 and is a ‘child in need’ and entitled to support under the Children Act 1989 (regardless of immigration status). When it is deemed necessary to undertake an age assessment as part of this process, the step by step/checklist approach outlined in this toolkit will enable;

- Professionals to work together in a multi-agency age assessment process and approach actions in the best interests of UASC/young people
- Improved consistency of practice in Wales when working with UASC/young people from abroad who are particularly vulnerable
- Appropriate actions by frontline professionals, including Social Workers, Police and UK Visas and Immigration; prior, during and subsequent to an age assessment, in order to make informed, fair, robust and child-centric decisions on age
- Local Authorities will be better able to make Merton-compliant and lawful decisions and thus reduce the burden of reproach and legal action

The age assessment process outlined here is based on the principle that two qualified Social Workers, one of whom should have been experienced and/or been trained in undertaking age assessments, should conduct the age assessment.3

We have outlined some procedural 'musts', but the format is flexible enough to allow social workers to use their own assessment and interviewing style and technique when asking questions.

Why assess age?

3 See the Court of Appeal in A v Croydon LBC [2008] EWCA Civ 1445. The qualifications of social workers can be checked with the register at the General Social Care Council
a) Statutory guidance on the care of UASC states that ‘Age assessments should only be carried out where there is significant reason to doubt that the claimant is a child. Age assessments should not be a routine part of a Local Authority’s assessment of unaccompanied or trafficked children’

b) There may be occasions when social services do not feel that an age assessment is necessary but the Home Office are requesting one - before they will treat the UASC/young person as a child in the immigration process. In these circumstances you need to explain why the UASC/young person should be treated as a child without further assessment, or conduct an assessment sufficient to satisfy the Home Office without forcing the child to go through a repetitive and distressing process. Where this is necessary it may be possible to use information which you have already gathered, for example as part of your LAC Child in Need assessment, rather than conducting further interviews.

c) UASC/young people should not be routinely exposed to a full age assessment unless;
   - The UASC/young person’s stated age is disputed (this could be by UKVI, Police or another agency in contact with the UASC/young person)
   - If their appearance or demeanour suggests that they are younger or older than they claim to be and there is no documentary evidence of their age
   - The toolkit will also be relevant where it is accepted they are a child but there is doubt about the age of a child. Many young people will not be able to provide evidence as to their age, and some may not even know their own chronological age
   - In these circumstances an assessment will rarely produce significant information which will lead to a conclusive and certain decision, so the assessment may be unhelpful and unnecessary; any assessment should be limited to the minimum necessary to ensure the young person is getting the appropriate services and educational support

d) A fair, holistic, reliable and timely age assessment that limits uncertainty and stress is in the best interests of the child/young person. The assessment process does not impose a burden of proof on the child to ‘prove’ age.

e) It is accepted and acknowledged that some adults may abuse the system and claim to be under 18 and therefore in some circumstances, it might be clear that an individual is well over the age of 18. If there is general agreement among agencies involved that a young person is 18, there is no need to age assess.

f) A Local Authority age assessment should be as full and comprehensive as possible, conducted in a clear, transparent and fair manner. Page 27 sets out scenarios when Local Authorities are requested to undertake an age assessment.
Section Four: Initial Actions Checklist – All Professionals

1. Referrals (see flow chart)

- Practitioners who come into contact with unaccompanied individuals who claim to be under 18 must make an immediate referral to Social Services for support and safeguarding due to potential vulnerabilities

- ‘Child first, migrant second’; all agencies are responsible for safeguarding and promoting the welfare of the UASC/young person and this is paramount. Although immigration status is a very important element in the life of a young person, agencies should not let immigration status get in the way of providing support as you would to any other child/young person

- UASC/young people should be engaged with in a way that takes proper account of their age, status and background

- In doubtful or borderline cases as to a UASC/young person’s age, the UASC/young person should be given the benefit of the doubt, and a referral must still be made to Children’s Services

- If UKVI have evidence or suspect a UASC/young person is under 18 and make a referral to Children’s Services, Children’s Services should consider undertaking an age assessment. UKVI should make a referral to Children’s Services unless physical appearance / demeanour very strongly suggests that the UASC/young person is significantly over 18
2. Benefit of the doubt principle

"Those whose ages are disputed should be given the benefit of the doubt unless there are compelling factors to the contrary".  

- The Benefit of the Doubt should always be given to the UASC/young person since it is recognised that age assessment is not a scientific process. Where there are doubts or inconsistencies, questions should be put in an open-minded way to explore any doubts.

- The Local Authority would need to provide supporting evidence that the young person is 18 to avoid legal challenges if they are going to assert that the person is 18 rather than 17.

- The Children’s Commissioner for Wales has expressed concerns about failure to give benefit of the doubt in borderline cases.

Age assessment is a complex and challenging process for all those involved, however international guidance from the United Nations states that where there is a dispute the child should be given the benefit of the doubt. The UN Committee on the Rights of the Child called on the UK Government in 2008 to give the benefit of the doubt in age-disputed cases of unaccompanied minors seeking asylum, and seek experts’ guidance on how to determine age.

---

5 The Human rights of unaccompanied migrant children and young people in the UK, Human Rights Joint Committee report, 2013), p.31
7 Wales Annual Report 2010-2011
CASE LAW
The benefit of any doubt should always be given to the unaccompanied asylum-seeking child since it is recognised that age assessment is not a scientific process (*A v Croydon*)

In assuming its inquisitorial fact-finding role in an age dispute, the Court should further afford the disputed child the benefit of the doubt both at the start and the end of the process. This is not the same as imposing a burden of proof on either party (*A v Camden*)\(^8\)

3. Safeguarding (see flow chart)
Children’s Services Social Workers - Initial Actions

- Following a referral, notification must be made to the **Safeguarding Manager** within the first 24 hours. Safeguarding concerns to be considered under the **All Wales Child Protection Procedures**

- Since the inception of the National Referral Mechanism (NRM) an increasing number of children have been identified as potential victims of trafficking. As a social worker, you have an important role to play in ensuring the safety of trafficked children and young people, and in making referrals to the NRM. If you suspect trafficking, refer to the risk assessment in the **All Wales Practice Guidance for Safeguarding Children Who May Have Been Trafficked** (See Annex 6 for supporting information on trafficking and link to NRM referral form)

- Note that **trafficked children** may have been provided with documents by their traffickers which are either false, or are genuine documents but not belonging to the child. For example, it is common for visa applications with incorrect details to be made to enable the movement of children from some countries. The existence

\(^8\) LBC [2010] EWHC 2882 (Admin)
of a document (or application for any document) does not necessarily prove someone’s age

- **Consider** the risk of the UASC/young person becoming missing from care and put safeguards in place. Refer to your own Local Authority ‘Missing from Care Procedures’ and All Wales Missing Children Protocol

- If the referral is made 'out of hours', the manager must ensure that the **Intake Team** is contacted at the earliest opportunity on the next working day to ensure that all urgent tasks are completed

- It is recommended that a **photograph** is taken of the UASC/young person within the first 24 hours, subject to their consent, alongside an explanation of why the photograph is necessary (believed to be in their best interests). This will help the police with their investigations should the child/young person subsequently go missing. (If consent is refused by a UASC/young person, legal advice should be sought). A check could also be made with UKVI or the Police as to whether they have a recent photograph

**Immigration Process:** Children’s Services should contact UKVI at the **earliest opportunity** using the enquiry line to establish whether the UASC/young person is known to UKVI and the next actions required. For example, application for asylum required, record of details and biometric data. Contact UKVI on 0300 123 2066 for asylum-related queries or to establish if a UASC/young person is known to UKVI, or 0300 123 2241 for non-asylum related immigration application queries

- **In summary:** Police, UKVI and Children’s Services should liaise at the earliest opportunity to record **personal details and biometric data** of newly arrived UASC/young people
4. Initial Assessment (see flow chart)

If accepted as under 18

- **Accommodation;** all UASC/young people should be offered accommodation under **Section 20** pending a **full assessment of need.** Safeguarding issues should be considered within the first 24 hours in relation to the choice of placement. Note that bed and breakfast accommodation is not suitable for UASC/young people. Careful consideration should be given to the possibility that the UASC/young person could be an adult when arranging accommodation.

- Refer to Fostering Team. Consider religious beliefs, cultural norms and social opportunities of the UASC/young person and ensure needs are met as appropriate.

- Provide support to UASC/young person regarding their **asylum claim** and inform them of the **asylum process** and prepare them for every possible outcome of their asylum claim. It is vitally important that the UASC/young person understands the asylum process. Check what information they have been given about this and ensure that information is correct, contacting the local/regional UK Visas & Immigration if necessary. (See Annex 7 for further resources)

5. Engaging an ‘Appropriate Adult’ (Age Assessment)

- A UASC/young person undergoing an **age assessment** must have the opportunity to have an **Appropriate Adult** who is present with them during the interviews. It is recommended that the same Appropriate Adult/independent advocate is used throughout the age assessment (unless the young person requests a change) and that they are **independent of the Local Authority.** Case law now suggests that a legal clerk, foster carer, key worker can act as an Appropriate Adult. You could also consider a children’s charity representative (e.g. NSPCC, Barnardos, etc.)

---

9 See also https://www.gov.uk/claim-asylum/children
Asylum process made simple http://www.asylumaid.org.uk/the-asylum-process-made-simple/#Application
• The Appropriate Adult should have the right skills to undertake the role, as well as having the skills to provide appropriate challenge to interviewers if they feel the interview is not being conducted properly. They should also take written notes during the assessment which may be shared with others at the UASC/young person’s request. The Appropriate Adult role is as follows;

   a) to act as an independent advocate and ensure that the UASC/young person understands what is happening to them and why
   b) to support, advise and assist them, including asking for breaks in the interview to consult with them
   c) to observe whether Social Services are acting fairly and properly and intervene if they are not
   d) to assist with communication between the UASC/young person and the assessors; and:
   e) to ensure that the UASC/young person understands their legal rights, including the right to seek legal advice at any point (for further information, see Annex 6a)

• Legal representation; if the UASC/young person has not yet claimed asylum and wishes to do so (the child/young person has expressed a fear of persecution on return to home country) professionals should ensure an experienced asylum solicitor (OISC registered) supports the UASC/young person (See Annex 5)

• If an asylum claim has already been made, or to register an asylum claim, liaise with UK Visas & Immigration regional office in Cardiff, using enquiry line.0300 123 2066

10 The Office of the Immigration Services Commissioner (OISC)
http://oisc.homeoffice.gov.uk/about_oisc/
• **Local Authority and UKVI** must work together in authenticating young person’s documents as appropriate, with UKVI assisting with enquiries to Home Office where original documents may be held.

• **Asylum interview;** Practitioners should ensure that the UASC/young person has an **Appropriate Adult** to accompany them to **UK Visas & Immigration Asylum Interviews**, and to act in the UASC/young person’s best interest during the interview. The UASC/young person should be allowed to choose the Appropriate Adult where possible. Note that the Appropriate Adult in this context can be a LA Social Worker as there is no conflict of interest.

### 6. Engaging Advocacy Services – The Role of Social Services

‘Advocacy is about speaking up for children and young people. Advocacy is about empowering children and young people to make sure that their rights are respected and their views and wishes heard at all times. Advocacy is about representing the views, wishes and needs of children and young people to decision makers, and helping them navigate the system.’

• Under Section 26 A of the Children Act 1989 and the Leaving Care Act 2000 ‘Children in need’ (S17, Children Act 1989) ‘Looked After Children’ (as prescribed s22 CA 1989) and care leavers (Leaving Care Act 2000) have a right to be provided with an advocate by Children’s Services, for the purpose of representation or complaints. Children and young people can often find expressing their opinions, experiences and emotions difficult, particularly when they are involved with complex processes in an adult dominated environment.

• Unaccompanied children and young people should be made aware at the earliest possible opportunity that they are entitled, like any other child or young person, to

---

11 For further information on appropriate adults, see [http://www.asyl.at/umf/ber/ilpa_working_with_children_1.pdf](http://www.asyl.at/umf/ber/ilpa_working_with_children_1.pdf)
make a complaint and be provided with information about the complaints process. They should also be made aware that they can also seek independent advice regarding their concerns from the Office of the Children’s Commissioner for Wales.

- **Unaccompanied children/young people** may feel inhibited in engaging with various services for a number of reasons including; fear of an unknown country and culture, little or no other support networks in the UK (family or friends), negative experiences with government officials/professionals in their home country, language and cultural barriers, etc.

- Separated Children in Wales do not have a system of Guardianship or support of the Refugee Children Panel, and therefore it is essential that their social worker makes a referral to advocacy services and that the advocate uses interpretation services if they are to be afforded the same **UNCRC rights** as other looked after children in Wales.

- The role of an Advocate for UASC/young people is extremely useful in enabling them to convey their wishes and feelings. It can give them a voice in decision making and can help to resolve some of their issues at an early stage.

- Asylum seeking children need someone who can support them, be ‘on their side’ and work with them to deal with barriers to education, social activities and employment. They also need someone to support their interaction with solicitors.

- Advocates may provide information to Social Workers on behalf of the UASC/young person. For example, an age-disputed young person may have informed an Advocate that they are under 18 (and they may or may not have documentary evidence to support this). The Advocate’s role is to represent the young person and assist them in being heard with all relevant agencies.

- Practitioners should alert UKVI, Police and any other agencies involved to any changes pertaining to the UASC/young person’s age and outcome of any age assessment in a timely fashion.
• If a young person in LA care is assessed as being over 18, practitioners must liaise with NASS about asylum support on 029 2092 4567 if the young person wishes to apply for accommodation and support. An ASF1 will need to be completed. For assistance with the ASF1, contact Migrant Help on 0808 8000 631.

7. Police – Initial Actions

• **Early consultation with Children’s Services and UK Visas & Immigration** is crucial for safeguarding UASC/young people. Section 17 [Children Act 1989](#) places a duty of care on the Local Authority to protect the welfare of any child/young person within its area. A Police Constable could invoke their powers under section 46 [Children Act 1989](#).

• A young person should not be charged with a criminal offence before the dispute over his age is resolved: see *[R (HBH) v Secretary of State for the Home Department [2009] EWHC 866 (Admin)](#)*. Police are subject to a section 11, Children Act 2004 duty to safeguard and promote the welfare of children. This is a mirror duty to the section 55 duty on UKVI, Borders Citizenship and Immigration Act 2009. Thus where there is doubt about age, police have the power, and ought to refer the young person to the local authority for an age assessment.

• **Human Trafficking;** all agencies have a duty of care to the individual and must remain victim-focused. The police must ensure that if the UASC/young person is identified as a potential victim of human trafficking, they consult with the Police Force Single Point of Contact (SPOC) on Human Trafficking, and, the UASC/young person is de-arrested and contact is made with the United Kingdom Human Trafficking Centre (UKHTC) victim lead. **Note that a UASC/young person may be age-disputed and over 18 and still may have been trafficked** (refer to Annexe 6g for further information on human trafficking and link to NRM referral form).
• It is acknowledged that some adults may claim to be under 18 years old. Where there is any doubt as to the age of a child or young person, Children’s Services should be appointed to conduct an age assessment as soon as possible, assisted by an accredited interpreter. It must be remembered that despite doubts over a young person’s age, they should be treated as a child until proven otherwise. This is in accordance with Association of Chief Police Officers guidance

• Biometric data; the primary responsibility for recording biometric data (fingerprints and photographs) of new arrivals – whilst in custody – rests with Immigration Enforcement. However, Police also have responsibility. Police Forces in Wales, Local Authorities and UKVI should liaise at the earliest opportunity to record the biographical details and biometric data of newly arrived UASC/young people

• Where Immigration Enforcement are unable to attend, the Police should take and record biographical details and biometrics (photographs and fingerprints) before arrangements are made to release the UASC/young person to the care of the Local Authority Children’s Services.

• Section 141 of the Immigration and Asylum Act 1999 allows a Police Constable to take fingerprints on behalf of UK Visas & Immigration. The Act does not stipulate a minimum age. UK Visas & Immigration policy is only to take fingerprints of those who are 5 years and over

• The early capture of biometric data and other biographical details (whether or not a decision to prosecute follows) brings benefits to all agencies; if individuals go missing, checks can be made if the individual presents elsewhere, gives the opportunity to determine any previous contact with the UK Visas & Immigration and the Police (or Local Authorities Children’s Services), and enables agencies to trace and safeguard vulnerable individuals who may go missing

12 Position from ACPO Lead’s on Child Protection and Cannabis Cultivation on Children and Young People Recovered in Cannabis Farms, ACPO Child Protection and Abuse Investigation Group
• Be vigilant that the ‘Appropriate Adult’ in an interview may have an alternative motive. For example, a trafficker, person allied with a trafficker or a non-family member claiming to be family, may claim to be the UASC/young person’s Appropriate Adult. Furthermore, Appropriate Adults must not be used as interpreters. Only suitably trained and accredited interpreters should be used to interpret due to the potential dangers inherent in relying on informal interpretation. Traffickers may attempt to ‘recover’ a UASC/young person from police or Local Authority care and take control by ‘assisting’ with interpretation.

8. Immigration and Enforcement – Initial Actions

• Where a child (or individual who is thought to be a child) has been identified as having entered the UK unlawfully, UKVI (Immigration Enforcement) will endeavour to attend custody during the holding time frame (24 hours) for the purposes of capturing the individual’s biometric data (fingerprints and photograph)

• Procedures on fingerprinting: Children aged between 5 and 16 can only be fingerprinted in the presence of an adult who is the child’s parent or guardian; or a person who for the time being takes responsibility for the child (Appropriate Adult). Children aged 16 and 17 can be fingerprinted without the presence of an Appropriate Adult. Immigration & Enforcement does not fingerprint children under 5. UKVI policy states: "Whilst a child between 16-18 years of age can be fingerprinted without the presence of an adult, if that child is vulnerable as defined in this guidance, they must not be fingerprinted unless accompanied by an adult.” Vulnerability is defined as: "who is or may be in need of community care services by reason of mental or other disability, age or illness; and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation”. If a UASC/young person is a PVOT, they will therefore require an “Appropriate Adult”, even if 16-18

• If Immigration Enforcement or UKVI suspect that the UASC/young person in
question has been trafficked a referral should be made to the Local Authority Children and Young People’s Services, Police and an NRM referral completed at the first point of contact.

9. Age Disputed Cases – UKVI

- Unaccompanied children who arrive in the UK without a parent or guardian are the responsibility of Local Authorities under the Children Act 1989, Part III, Section 20. However, some of these children may appear younger or older than their stated age, possess false documents, arrive without documents evidencing their identity and/or date of birth, mislead about their age, and may not know their age as some countries do not recognise birthdays. As a consequence of some or all of these factors, they may find their stated age disputed by UKVI or Social Services.

- Where the physical appearance and/or general demeanour of the UASC/young person does not very strongly suggest that the UASC/young person is significantly over 18 years of age, but may be 18 or over, the UASC/young person should be treated as an age-disputed case. This is a high threshold. In borderline cases, it is the policy of UK Visas & Immigration to give the applicant/young person the benefit of the doubt (see ‘benefit of the doubt principle’ page 15) and treat them as a child and refer the UASC/young person to the care of Social Services for an age assessment.

- UK Visas & Immigration do not refer an individual to Children’s services if their physical appearance / demeanour very strongly suggests they are significantly over 18.

- A Chief Immigration Officer/Immigration Officer (CIO/HEO) can make a visual assessment of the UASC/young person, and where the physical appearance and/or general demeanour of an applicant very strongly suggests that they are significantly over 18 years of age, then they should be processed and treated as
an adult. The assessment needs to be approved by a countersigning officer of at least CIO/HEO grade. The CIO will issue notice IS97M to the young person to inform them of this decision

- UKVI will accept age-disputed applicants as children, when a ‘Merton-compliant’ age assessment has assessed their age to be below eighteen. Other information also to be considered might be identification documents, medical reports (see below, ’medical reports’) and court decisions

- When a Merton-compliant age assessment concludes that a UASC/young person is over 18, then they will henceforth be treated as an adult in the asylum process

**Risks attendant in incorrect age assessments**

- **If a UASC/young person’s age is initially (or subsequently) incorrectly assessed as being over 18 there are risks including;**
  a) denying access to statutory services to those under 18
  b) they may be accommodated with adults in UK Visas & Immigration asylum support accommodation which may be in another part of Wales or the South West of England. This will disrupt the age assessment process
  c) it may present risks to the UASC/young person as there are no safeguards in existence to monitor the safety or protection of ‘age disputed’ UASC/young people in adult accommodation
  d) Social Workers should have regard to welfare and safeguarding risks when making any decisions on age assessment or support and where appropriate, the benefit of the doubt should be given

- **An age assessment which incorrectly judges a young person to be under 18 may mean that;**
  the UASC/young person is inappropriately accommodated and looked after as a child. There may then be a potential risk to other looked after children or other children they may come into contact with (i.e. in school
environment). In doubtful or borderline cases, give benefit of the doubt but do not place in a family with children under 18 (See also ‘age disputed cases’ below)

10. Age Disputed Cases – Local Authorities (see flow chart)

- Referrals sent to Children’s Services relating to age disputes must be dealt with in a timely manner due to safeguarding risks. Furthermore, the longer a UASC/young person is living in adult accommodation, or an adult is accommodated as a child, the greater the attendant risks

- Circumstances in which a Local Authority will be responsible for an age assessment and need to liaise with relevant agencies;

  a) **Referral from Police/and or UK Visas & Immigration for age assessment**: A Local Authority may be approached by the Police and/or UKVI for an age assessment. It is the Local Authority’s responsibility to assess risk to the UASC/young person and conduct an initial assessment and subsequent age assessment

  b) **UASC/young person housed in UKVI adult accommodation but not previously age-assessed**: If UKVI decides that the appearance and demeanor of a UASC/young person strongly suggests that they are an adult, then they may not have been referred to a Local Authority for an age assessment. However, a Local Authority may receive a referral for an age assessment via the voluntary sector or legal representative who believes the young person to be under 18. The UASC/young person will be entitled to meet with a Social Worker, regardless of the views of UKVI and the Social Worker will need to consider their views, alongside the professional opinion of person making the referral (See ‘professional opinion’
If an age assessment is to be conducted, UKVI should be notified immediately – on 0300 123 2066

c) A UASC/young person is in UKVI adult accommodation and has previously had an age assessment: If a UASC/young person has had an age assessment by a previous Local Authority which deemed them to be over the age of 18, they will be treated as adults by UKVI and accommodated accordingly. On arriving in Wales, a Local Authority could receive a referral from the voluntary sector or legal representative requesting an age assessment because they believe the UASC/young person to be under 18

In each scenario, the Social Worker should first:

- Request copies of age assessments from other LAs. The Local Authority has a duty to ensure they see any previous age assessment to satisfy themselves that the age assessment was conducted fairly and lawfully. If a Local Authority finds that the previous age assessment is unlawful, of poor quality or not Merton-compliant then the Local Authority should consider undertaking a new age assessment to safeguard the best interests of the UASC/young person
- Give the UASC/young person the benefit of the doubt (See 'benefit of the doubt', below)
- Safeguarding, consider moving the UASC/young person out of UKVI adult accommodation into more appropriate housing or foster care pending an age assessment
- Liaise with all relevant agencies and make a note of discussion points and actions

Presenting new evidence:

- The UASC/young person may wish to present new evidence to the Local Authority in Wales. On receipt of new evidence, the Local
Authority should consider it alongside all other sources of information available. Examples of new evidence can include **documentary evidence, professional opinions from advocates, UKVI case workers, project workers, health and education professionals or anyone supporting the young person.** Professional opinions and other forms of evidence are an important component of a **holistic age assessment.** Professionals may have had a lot of contact with the UASC/young person, whereas the original Local Authority carrying out the age assessment may have based their decision on one meeting *(See 'professional opinion, page 33)*

- **New evidence relevant to age should trigger a new age assessment by the current host authority**

- **Liaison with UKVI:** A Local Authority must make enquiries with UKVI, as part of a holistic process, and in order to gain as much information as possible about the UASC/young person. However, if there is doubt about a young person’s age, the Local Authority **must not rely on a decision on age** about the UASC/young person made by UKVI, because the **Local Authority has the obligation to conduct their own age assessment and the duty to determine an entitlement to support**

**d) The UASC/young person is a potential victim of trafficking and there is an age dispute issue:** Where there is any suspicion that an age disputed UASC/young person may have been trafficked, an NRM referral must be completed at first point of contact *(See Annex 6g, Trafficking/NRM referral form)* and immediate safeguarding actions must be taken; he/she **"should be presumed to be a child and shall be accorded special protection measures pending verification of his/her age"** *(Article 10, Council of Europe Convention on Action against Trafficking)*

- Undertake age assessment with advice from relevant trafficking experts, such as **NSPCC Child Trafficking Advice Centre, Barnardos**
e) **A Court may request a Local Authority to conduct an age assessment. This may occur after an age assessment was judicially reviewed:** A Court may undertake a fact-finding hearing and come to its own conclusion. If there is a Court Order in place which states that a Local Authority must undertake an age assessment, the only way a Local Authority can avoid complying with such an Order is to make an application to the Court for the Order to be varied. If there is a Court Order to undertake an age assessment and the Local Authority in question disagrees with this Order then they should seek legal advice in relation to challenging the Order.

f) **Age assessment is required by UKVI:** A Local Authority is not obligated to undertake an age assessment on behalf of UKVI. However, if they refuse to undertake an assessment when requested by UKVI, they would need to provide their reasons for why they consider the person would not be a Child in Need. (i.e. provide details of the support available to the person so illustrating that they would not have any needs even if they are a child. Source: Creighton & Partners)

g) **Private fostering arrangements that come to the attention of Local Authority:** Private fostering arrangements are where a child under 16 years of age (or under 18 if they have a disability) is looked after for 28 days or more by someone who is not their parent or close relative. To help keep children safe and support families, all parents and private foster carers must notify their Local Authority of such an arrangement. This is because the Local Authority has a legal duty to safeguard the wellbeing of all children. While the number of notified private fostering arrangements in Wales is low, it is important that Local Authorities are aware of such arrangements to ensure that children in Wales are properly safeguarded and that carers can receive the correct support from social services. To assist Local Authorities, all parents and private foster carers must notify their Local Authority of a private fostering arrangement.
Section Five: Undertaking the Age Assessment – Planning and Preparation

1. Allocation of Social Workers

- Age assessments must be conducted by two registered Social Workers acting together, one of whom should be experienced and trained in age assessment practice. One Social Worker should assume the lead role in planning the overall assessment and ensure that all the safeguards to ensure fairness and best practice are in place. Social Workers should use their professional holistic assessment skills when beginning an age assessment process.

2. Statutory Framework and Timing

- Age assessment should be a process, not an event, and one which is conducted in line with the Framework for Assessment of Children in Need and their Families. This includes adhering to statutory timeframes to respond to referrals and conduct assessments, as well as good practice in multi-agency collaborative working. If deemed necessary to assess age, the assessment should be undertaken as part of or alongside the Initial and Core Assessment.

- Age assessments should be completed within 35 days, in line with statutory timeframes and this timescale is also broadly concurrent with UKVI asylum process timescales.

- The Local Authority may have to conduct several enquiries and discussions with the UASC/young person in order to determine age and make a decision. There may be

---

13 Office of the Children’s Commissioner, The Fact of Age: Review of case law and Local Authority practice since the Supreme Court judgment in R(A) v Croydon LBC [2009], 2012
more than one interview over time. However, the UASC/young person should not be subjected to a series of lengthy interviews that may cause distress

3. Multi-agency Working – Information Gathering

“Local Authority professionals should be trained to play a central role but expert assistance should be welcomed as a means to ensure the process is more robust”. The Human rights of unaccompanied migrant children and young people in the UK

- The age assessment process requires gathering a variety of information from different sources and also undertaking interviews with the UASC/young person in order to assess whether the information gathered amounts to an accurate reflection of the UASC/young person’s stated age (if they have one)

- All partners must share information relevant to age assessment and safeguarding

- It is recognised that age assessment is not an exact science, but one that is best suited to a holistic, multi-agency assessment process by Social Workers, with input and collaboration from individuals in the UASC/young person’s life

- It is important to gather information regarding experiences and activities both pre arrival and since the arrival of the UASC/young person in the UK. Failure to communicate with other agencies in order to have a complete picture of the UASC/young person could place a UASC/young person at risk and undermines their best interests. Evidence and/or views and professional opinions must be sought and considered as part of the process, for example, from experts, support workers, health professionals, education professionals, advocates, foster carers. These people should be able to base their professional opinion of the age of the

UASC/young person on their experience of working with them over a period of time and they may also have observed young people’s interactions in a child-friendly environment. Social Workers must take account of any information received or requested as part of the age assessment process

- **All agencies** involved with the UASC/young person need to be proactive. If an agency considers, in their professional opinion, that a UASC/young person they are working with could be under or over 18, and which is different from their stated age, they should request that an age assessment is undertaken on behalf of a UASC/young person

- **Professional opinion:** the evidence and professional opinion of voluntary sector workers and other advocates presenting an opinion will need to be able to withstand scrutiny; they can be called to give evidence at court. If providing a professional opinion regarding the UASC/young person’s age, a letter should evidence **how they arrived at their opinion, and give an outline of the background of the person providing the professional opinion.** Note that opinions can change with time, especially after spending more time with the UASC/young person *(see page 27)*

- On receiving written representation from another agency relating to the age of a UASC/young person, the Social Worker must contact the agency involved and gain more details and consider whether a meeting may be necessary. If the Social Worker decides that it is not appropriate to undertake an age assessment at that time, they must immediately inform the agency concerned **explaining their actions** and consider any rebuttals or points of disagreement

- Every decision has to be made using the latest available information and opinion from all relevant agencies. Evidence received subsequent to an age assessment should be given consideration if it will impact on the decision in relation to age, and care and support
• After sharing the outcome of the age assessment with the UASC/young person (further guidance is given below, ‘information sharing’) practitioners should alert UKVI, Police and any other agencies involved to any changes pertaining to the UASC/young person’s age and outcome of any age assessment. Explain to the young person that you will not share their full age assessment with UKVI.

4. Medical Reports

• The Local Authority is not entitled to ignore a medical report. While a medical report is not determinative, it goes to add weight and should be considered alongside other evidence, rather than providing conclusive evidence of age.

• If a specific paediatrician report is received, social workers must only consider it in the context of a holistic, multi-agency age assessment. (British Medical Bulletin) Such reports should not be requested by Social Workers unless specifically asked for by the UASC/young person and should never be used in isolation when making a decision. These reports differ from general opinions/assessments from health professionals.

• Paediatric assessments do not "attract any greater weight than the observation of an experienced social worker” but must be considered as evidence. If a medical assessment is deemed necessary, it should be carried out with the UASC/young person’s consent and by a practitioner with the appropriate expertise.16

16 Age Assessment Practice Guidance, an age assessment pathway for social workers in Scotland. Adapted from the Children’s Legal Centre at: http://www.childrenslegalcentre.comMigrant+Childrens+Project/Advice/Advising/FAQ/ageassessment/question2.htm
• **X rays should not be used in assessing age.** Dental maturity should not be used for the assessment of chronological age. The 2012 British Medical Bulletin research\(^\text{17}\) highlights that the influence of ethnicity, genetic background, nutrition, deprivation, previous and current illnesses - especially endocrine diseases – can all have profound effects on physical development, skeletal and dental maturity. **Local Authorities should not request or consider use of X rays**

5. **Interpreters**

• The majority of UASC/young people will not speak English as their first language. For the voice of the UASC/young person to be fully heard (*UNCRC*) the interpreter is vital in providing impartial, complete and confidential rendition of all that is said. The consequences of poor interpreting are distortion of instructions and inaccuracy which may jeopardise the asylum claim and hinder the **best interests** of the UASC/young person. Social Workers **should always use a reputable, professional interpreting agency**, who have specifically trained their interpreters to work with children

**Social Workers should:**

- meet with interpreters prior to interview and explain aim and purpose
- check UASC/young person is comfortable with interpreter
- check if language is understood by both interpreter and UASC/young person
- inform UASC/young person and Appropriate Adult/independent advocate that a ‘sign’ can be agreed to be used during the assessment to indicate that the young person is not happy with interpreter
- instruct interpreter that only direct interpretation is required

*(for best practice on working with interpreters, see Annex 6c)*

---

6. Scheduling time for age assessment and follow up

- Assessing Social Workers should schedule time for all aspects of the work involved in the age assessment to enable it to be completed promptly, including time for pre-assessment work, assessment interview(s), drafting and discussing the report.

- Ensure that the UASC/young person has had sufficient time to recover from their journey to the UK, and is not tired or hungry. If the UASC/young person is fasting, then this needs to be considered in planning when the assessment interview(s) is/are undertaken.

7. Recording the Interview

- You will need to plan how the interview(s) will be recorded; this may be dependent upon the facilities and resources available. Consideration could be given to taping or videoing the interview(s) where appropriate facilities are available, but any impact on the UASC/young person’s ability to participate fully will need to be considered. Written notes must be taken if the interview is not recorded by other means.

- The assessing Social Worker who is taking the notes will need to engage with the UASC/young person and observe non-verbal cues. Where written notes are taken, they do not need to be verbatim but do need to cover all significant points. Should they be required, legible scanned copies are acceptable for court. If the notes are subsequently typed, the original hand written notes need to be retained upon the UASC/young person’s case record.
Section Six: Actions Checklist (prior to undertaking an age assessment)

Two qualified Social Workers should be present

- Decide who is going to ask the questions and who will record. If an age assessment is challenged (Judicial Review), verbatim, detailed notes of the assessment giving reasons for decisions made will lend credibility to the Local Authority's case (*Merton requirement*)

- Contact UKVI for information about UASC/young person, where they have been living, do they know of any previous age assessment?

- Familiarise yourself with the *Age Assessment Proforma*

- Arrange an *interpreter*

- Arrange an *Appropriate Adult* to accompany the UASC/young person to his/her solicitor

- Arrange for an *Appropriate Adult* to be present for the age assessment interview

- Before the interview provide the UASC/young person with *FAQ Age Assessment* - Information guide (use interpreter). Open [here](#) to print an information guide for UASC/young person on age assessment

- **Venue.** Age assessments can be lengthy and require a lot of concentration. Plan the length of the session to be around two hours and break for refreshments half way through. The room also needs to be large enough to comfortably sit up to five people for two hours (UASC/young person, two Social Workers, interpreter, Appropriate Adult).
• Gather and explore information from other agencies/professionals from health, education, foster carers, advocacy and support workers in preparation

• Check for any new case law developments – Children’s Legal Centre

• **Country of origin.** Have a basic knowledge of the ethnic, cultural and religious practices that operate in the UASC/young person's country of origin. It establishes a rapport and aids your decision making. However, avoid drawing any firm conclusions from your 'research' as there can be significant differences in people's experiences within the same region i.e. whether they come from a rural or urban background, their class etc.

• **The child/young person should be informed of purpose of the assessment.** Often age assessments are done in the context of a Child in Need assessment under the Children Act 1989. In principle, using this assessment process is not problematic but the UASC/Young person in this context must be told that the assessment is being done for a primary purpose of assessing age because there is doubt (see Annex 1c for 'model purpose of interview statement')

• **Check understanding about the purpose, process and consequences.** The UASC/young person should be informed that the consequence of the assessment decision is not only for determination of services by the Local Authority but also will be relied on by UKVI for the determination of the asylum claim

• **Duty to give reasons.** Tell the UASC/young person that the decision will be based on firm grounds and reasons for the decision will be evidence based, fully set out, and explained to the UASC/young person. Check that the information gathered in the course of the assessment actually backs up the conclusion on age reached by the assessors

• **Procedural Fairness.** The UASC/young person should be informed that they will be given a fair and proper opportunity to deal with important points adverse to their age case which may weigh against them (Court of Appeal in FZ v
Croydon) there is no prescriptive way in which the disputed UASC/young person should be given an opportunity to respond / rebut / clarify information (see Section 8 'making decision’, below)

- **Burden of Proof** at assessment stage. As is affirmed by Merton and FZ, the disputed UASC/young person is not to be put in a position where they have to prove their age. The assessment should be a process by which together, the assessors and the UASC/young person explore the necessary information to establish age

- **Physical appearance.** An assessing Social Worker is not entitled to simply look at a UASC/young person, determine they look 18 years old and therefore does not require an assessment of their age, particularly where the UASC/young person is claiming to be a child (A & WK). The Secretary of State for Home Department (SSHD) policy divides unaccompanied asylum seeking minors into three categories:

  o Those who are **obviously** children (whether the age claimed or some years older)
  o Those whose physical appearance and demeanour **very strongly** suggest they are **significantly** over the age of 18
  o Those who are **borderline** (i.e. may be an adult or a child)

  The SSHD refers all applicants in the third category to the Local Authority for an age assessment. Some in the first category, although accepted as children by the SSHD may be age-disputed after referral to the Local Authority

- **Demeanour** is not determinative of age. Demeanour can only be relevant in the totality of the evidence before the assessors (see note on demeanour in supporting information, Annex 6f)

---

18 A v LB of Croydon & Secretary of State for Home Department (Interested Party); (2) WK v Secretary of State for Home Department & Kent CC [2009] EWHC 939 (Admin)
19 Ibid
Additional vulnerabilities and health. Consider effect on memory. Most assessing Social Workers will not be able to diagnose physical, mental or emotional health difficulties or learning difficulties, or the effects of trauma, but should be alert to the fact that the UASC/young person in front of them has by definition undergone experiences which are likely to have a serious impact on their development and on their ability to clearly answer all questions put to them (for supporting information see Annex 6b)
Section Seven: Undertaking the Age Assessment Checklist

Introductions

☐ Introduce yourself to the interpreter so that she/he can facilitate introductions with the UASC/young person

☐ Introduce yourself and your colleague and attempt to put the UASC/young person at their ease; only move on to ‘formal introductions’ when everyone has had a few minutes to settle

☐ Remember to look at the UASC/young person when you are asking questions, not the interpreter

☐ Check with the UASC/young person that they are feeling well and alert and are willing to continue and do not proceed if the UASC/young person presents as obviously tired or unwell

Ask the interpreter to explain their role to the UASC/young person ensuring that the following points are included:

☐ Their role is to interpret the Social Worker’s questions and his or her answers

☐ The interpreter will not answer questions on behalf of the UASC/young person or add anything to what they have said

☐ If they do not understand anything, at any time, they can and should say, and the Social Worker will find another way in which to ask the question
☐ Explain that they can ask for a break at any time and you will also stop for a break in an hour

☐ Confirm that the UASC/young person is comfortable with the interpreter and understands what is being said

☐ Confirm that the UASC/young person is happy with the gender of the interpreter

**Introduce the Appropriate Adult and ask the interpreter to explain their role, as follows:**

☐ to ensure that the UASC/young person understands what is happening to them and why

☐ to support, advise and assist them, including asking for breaks in the interview to consult with them

☐ to observe whether Social Services are acting fairly and properly and intervene if they are not

☐ to assist with communication between them and the assessors

☐ to ensure that the UASC/young person understands their legal rights, including the right to seek legal advice at any point

**Explain social work role:**

☐ From the outset, explain your role in such a manner that the UASC/young person clearly understands what you do and why you are assessing them. Acknowledge at the outset that the UASC/young person may have been asked lots of different questions by lots of different 'officials' and thank them for participating

☐ Bear in mind that the UASC/young person might well have been advised not to talk about details of their family or journey to the UK, so you will need to reassure them that it is safe for them to talk to you
 Remember to engage with the UASC/young person and establish as much rapport as the situation allows. Talking about and recalling events can be very distressing and it’s important to respond to any distress sensitively. If a UASC/young person is clearly distressed, stop the assessment for a few minutes or adjourn and re-book if necessary. **The pace should be led by the UASC/young person**

**An explanation of your role and responsibilities will need to include:**

- An explanation of Social Services legal duty to undertake an assessment all children and young people in need in the area, including unaccompanied children

- An outline of the range of services that Social Services can provide to children and young people i.e. foster care, supported lodgings, support with education, health, social connections, etc.

- Reassurance that Social Services (and you) are separate from the Immigration Authorities, Police and UKVI, and that you will not share their full age assessment document with other agencies without their written permission and informed consent

- Explain that whilst an assessment of their ‘needs’ will be an integral part of the assessment; the **primary aim** of this assessment is to establish their age. * (Merton procedural fairness)

- Inform the UASC/young person that you will give them the opportunity to clarify any confusion or inconsistencies in respect of their account **before** the age assessment is concluded. *(Merton procedural fairness)*

- At this point check that they have understood everything and to go over anything that is unclear

**Provide a brief summary of age assessment process to the UASC/young person with the help of the interpreter:**
• Show the UASC/young person the Age Assessment Form and run through the headings

• Explain that because they have no documentation or way to confirm their age that is acceptable to the UK Authorities; Social Services have been asked to establish their age

• Explain that in order for the Social Worker(s) to make a decision about their age, their help is required. It's really important that they try to answer questions as fully as possible; there are no ‘trick’ questions

• Explain that it’s fine to stop and ask if they do not understand anything; or to request a break at any time

• Ask the UASC/young person if they have any questions they'd like to ask

Check front sheet:

• Begin the assessment by checking that all of the information is correct on the front sheet of the Age Assessment Pro Forma

• Ask the UASC/young person to sign at the bottom of the form to confirm that;
  o The information is correct
  o That they agree to participate in the age assessment

• Please refer to:
  o ‘Record of Interview’ questions sheet Annex 1
  o Suggested questions Annex 1d
  o Age Assessment Pro-forma and conclusion Annex 2
Section Eight: Analysis and Decision Making

- Provided you have planned your interview; followed the basic format and **avoided making assumptions**; you will hopefully be able to make a good professional and evidential judgement of age. **The age assessment should be a careful and balanced consideration of various factors:** including; cultural background, relevant country of origin information, social factors, demeanour, understanding and vulnerability as well as physical appearance. Age assessment should be a **reflective practice** and agencies’ and individual initial assumptions may need to be questioned and critically-evaluated, based on a holistic assessment of all contributing factors. **Any age assessment may be challenged in court** and Social Workers will be expected to evidence any conclusions they draw (**see Annex 6f, recording of interview/note on demeanour**)

- The analysis needs to demonstrate that you have considered and fully integrated all of the information gathered (not a list of points taken from the report), before making a clear professional **judgement.** As explained at the beginning the guide, this is not an exact science (**see Annex 2.9,p.67**)

- **Merton Compliance;** is the assessment lawful? Have you adhered to all relevant and latest case law? Have you recorded reasons for your decisions?
Note that grounds for a successful challenge to a Local Authority age assessment can be summarised as follows:

**Checklist:**

- Was there a rational basis for disputing the person’s age?
- Was it conducted in a procedurally fair manner?
- Was there an appropriate adult present?
- Were there two qualified Social Workers?
- Did having two qualified Social Workers make a material difference to the quality of the assessment process?
- Was there a proper interpreter? Or a telephone interpreter? Did the interpreter speak the correct dialect of the language that the UASC/young person spoke?
- Were inconsistencies properly put to the UASC/young person and the UASC/young person given opportunity to explain them before conclusion is reached?
- Was information sought from other sources? Was that information sourced properly? What evidence can be shown as to the further inquiries? Is that recorded in social services/education records?
- What other sources of information ought to have been solicited by the assessors?
- Did the assessors fail to have regard to material relevant information and place too much weight or any weight on irrelevant information?
- Was it Merton-compliant in both a procedural and substantive way?
- Does the information gathered in the age assessment provide a rational basis for the assessors’ conclusion as to the UASC/young person’s age?
- Have you given the UASC/young person the benefit of the doubt?

**Other actions by Social Worker(s):** *(independent checks)*

- Discuss decision with manager/colleagues
- Ask another Social Worker or Independent Reviewing Officer to check your assessment for process, procedural fairness (use checklist above as starting point) and sign the model information sharing proforma (Annex 4) alongside your Manager/Supervisor
Section Nine: Actions following completion of the age assessment proforma (see flow chart)

1. Delivering the decision

- Procedural fairness; the Social Worker(s) should arrange a post-assessment meeting with the UASC/young person to deliver the decision and provide the conclusion in writing (see Annex 3)

- An interpreter of the appropriate dialect should be used to ensure clarity in delivering the decision

- The UASC/young person should be invited to have an Appropriate Adult present at the meeting

- The UASC/young person will have already had an opportunity to comment at the decision-making stage, and should be given an opportunity to comment on the conclusion

- The assessment belongs to the UASC/young person. If the UASC/young person and their legal representative make a request for a copy of the full age assessment, then the Local Authority should comply with this request. This should be done within a reasonable amount of time upon completion of the assessment

- The results should be put in writing and given to the UASC/young person (even if accepting the claimed age of the UASC/young person). The letter should include information that the UASC/young person may be able to challenge the decision with the help of a solicitor. Encourage the UASC/young person to discuss the age assessment with their solicitor

- It is recommended that the UASC/young person sign acknowledgement (though not necessarily acceptance) of receiving the conclusion of the age assessment
You should keep all handwritten notes, and write up the outcome of the assessment regardless of the conclusion (even if accepting the claimed age).

2. Information Sharing
Social Services & UKVI

If the Home Office has disputed the UASC/young person’s age, then they will need to know the outcome of age assessment promptly. In almost all circumstances the Home Office will accept the Local Authority decision on age and the Local Authority decision is likely to have very serious consequences on the processing of a UASC/young person’s asylum application. The Home Office should not be provided with the complete assessment; however, there is a responsibility on Local Authorities to provide at least a summary of an age assessment to UKVI. The summary should include:

- An outline of the age assessment process (where it was conducted, who was present, e.g. interpreter in person, person assessed, informed of reason for assessment)
- Whether or not other sources of information have been sought and considered, such as; UASC/young person’s documents, professional opinions, medical information, education, health professionals, and foster carers
- Which other agencies were involved
- A summary of the Social Workers’ analysis and weight given to conflicting information, and a record of how and why a decision was reached
- How the decision was communicated to the UASC/young person (verbally and in writing)

Share the Decision: The decision should be shared through the agreed ‘Model Information Sharing Pro Forma’ – The use of the proforma and consent form is

---

20 For storage purposes, it should be noted that clear scans of handwritten notes have been accepted by the courts.
voluntary. The content is not, nor does it seek to be, binding on Local Authorities. It is simply a recommended approach to information sharing between UKVI and LAs. You can access these forms in Annex 4 & 5.

3. Gain Informed Consent re sharing information

- Complete consent forms (Annex 4 & 5). A UASC/young person should always sign a consent form prior to you sharing their information with any other individual, unless you are ordered by the court to do so

- If an applicant has not given their explicit consent, UKVI can still share certain information with Local Authorities. However to meet DPA obligations UKVI must be satisfied that the information required by a Local Authority is necessary to carry out their functions

- If the applicant has not given their explicit consent, the Local Authority would need to confirm to UKVI specifically why they require this information and whether or not all of the information is required. For example if the **Statement of Evidence Form** (SEF) was required to defend litigation against an age assessment, the Local Authority would need to state this and confirm which sections of the SEF are required (so that those sections which are not required can be redacted).

- The UASC/young person needs to **sign a statement (on the Information Sharing Consent Form, Annex 5)** to say;
  - that they understand why they are subject to an age assessment and
  - that third parties may have this information and that a summary of the age assessment will be shared with UKVI.

---

21 The Association of Directors of Children’s Services (ADCS) Asylum Taskforce in England published a model **Information Sharing Proforma and Information Sharing Consent form in 2013** to aid good practice between Local Authorities and the UK Visas & Immigration.

22 The Information Sharing Proforma supersedes section 8 of the **Joint Working Protocol between UKBA (formerly IND) and ADSS 2005**. The model information sharing proforma requires a minimum standard of information to be provided in order to convey the outcome of age assessments to the UK Visas & Immigration.
An Appropriate Adult/Independent Advocate could assist in this process. Any further age assessment must have informed consent.
Section Ten: Outcome (refer to flow chart)

- Once an age assessment is complete a UASC/young person will be either continue to be supported by a Local Authority under S20 of the Children Act 1989, if assessed as under 18, or referred to UKVI Asylum Support if assessed as over 18.

- If you have assessed the UASC/young person to be an adult then you should arrange their safe transition to adult support, usually through UKVI Asylum Support.

- **Ongoing relationship between UASC/young person and Social Worker/services:** Children have often said that even when they have been assessed as a child, at their claimed age or at a different age, they found the process very difficult and upsetting and it had left them with feelings of distrust. The impact on the child should be acknowledged and every effort should be made to try to develop the child’s confidence in your authority’s wish to support them in the future. If you have assessed the UASC/young person to be a child but of an age different from that claimed, then their care and support should continue as above, but additional work will be needed to explain to the child why you have reached this decision and to attempt to develop a trusting and supportive relationship between the child and your authority.
## Annex 1a: Record of interview questions sheet

<table>
<thead>
<tr>
<th>Question no:</th>
<th>Heading:</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
b) Questioning the UASC/ young person
You must take a child-friendly and sensitive approach, including checking that questions have been understood and offering breaks. The UASC/young person should be asked their age and date of birth, and given the opportunity to explain how they know their age and date of birth. Current case law advises that Social Workers should use the Hillingdon and Croydon Guidelines to guide their assessment. Simple, open-ended questions should generally be used, and you should ensure that questions are not confusing, repetitive or oppressive. There is also a place for closed questions where a UASC/young person does not understand what kind of information is being sought due to cultural or linguistic differences. Building trust and developing rapport with the UASC/young person is also important to enable him or her to speak freely and provide a more detailed narrative to inform the assessment.

c) Model purpose of interview statement by Social Workers
The purpose of this interview is to assess your age and to establish who will support you in the future. We will be asking you questions about your life before you came to the UK. Sometimes it can be upsetting for people to talk about their experiences, so if you need to take a break, please just tell us. We will be taking notes during the interview to help us remember what you tell us. If you tell us anything we don't understand or doesn't make sense to us, then we might ask you for a bit more information. We do not make a decision about whether you will be granted permission to stay in the UK; this decision is made by a different organisation called the Home Office. When the assessment is finished, we will explain our decision about your age, and if we assess you as under 18 years old, you will be supported as a child by this Local Authority. If you are assessed to be an adult, then another agency will support you. If you disagree with our decision, you may be able to challenge this decision with the help of a solicitor.

d) The Journey (Note this section is not in the Hillingdon/Croydon Guidance - recommended you consider these questions as a guide at the beginning of the interview)

1. When did you first know that plans were being made for you to leave your home?
2. What were you told about this and by whom?
3. What did you think about what was happening?
4. Who made the arrangements for your journey?
5. Were there any preparations that you or your family had to make leading up to the journey? Money, food, clothes etc.

---

23 A&WK Case 2009
6. What advice about your journey were you given? i.e. about staying safe.

7. What do you think your mother/father were most worried about you having to leave?

8. What arrangements did you make to let them know you had arrived safely?

9. What documents or ID would you normally have? Where are they now?

10. How did your journey begin?

11. When did you leave your home? How do you know this was the date?

12. After leaving home, what happened next?

13. How did you travel; (by car, lorry, boat? When did you travel? In the night in the day?) What happened next?

14. How did you eat, drink, sleep go to the toilet? Who provided support with this?

15. Who else was travelling with you? Adults, other children or young people?

16. Where are they now?

17. What countries did you travel through? How did you know you travelled through a different country?

18. When was the last contact that you had with anyone from your family since leaving home?

19. If so whom? (Social Workers have a duty to maintain family links between unaccompanied children and their families).

20. How did you know you’d arrived in the UK?

21. What happened next?

22. What reason did you give the police/Immigration officers for being in the UK? What happened next? ... And so on, until you arrive at the present time.
AGE ASSESSMENT OF UNACCOMPANIED ASYLUM SEEKING CHILD

1) Physical Appearance, Demeanour

All assessments begin with initial impressions, made from visual presentation. An initial hypothesis of age range is formed based on height, facial features (facial hair, skin lines/folds, etc.), voice tone, and general impression. It is important to consider racial differences here e.g. It is normal in some cultures for boys to have facial hair at an early age and for girls to develop at different ages. Life experiences and trauma may impact on the ageing process, bear this in mind.

Demeanour, it is essential to take account of how the person presents, style, attitude and authority and relate this to the culture of the country of origin and events preceding the interview, journey experiences etc. (see Annex 6f).

It is useful to establish the length of time that the person has taken to arrive in the UK from the time they left their country of origin and include this into the age calculation.
2) Interaction of Person during Assessment

The manner in which the person interacts with the assessing worker conducting the assessment will provide an indication of whether or not the person is responding in an age appropriate manner.

It is important to note both the verbal and non-verbal (body language) behaviour of the person. The practitioners conducting the assessment should be observing factors such as the manner in which the person copes with the assessment, does he or she appear confident or overwhelmed, does the person appear to take a “one down” position or not.

Take account of differing cultural terms, e.g. some people may believe it impolite to make direct eye contact.
Remember to be aware of cultural variations in attitudes to elders.
Does the person appear to be uncomfortable with speaking to an adult?

Keep in mind that your position will be seen as one of power, which may influence the way the person interacts with you; your role needs to be clarified and the differences in the roles of social services and UK Visas & Immigration.
3) Social History and Family Composition

Establishing, as detailed as possible, a Family Tree will help the assessing worker to identify the likely age of the person compared with the stated age. Ages of parents, siblings and extended family should be established. In the case of deceased family members, the year and age at the time of death should be recorded. Drawing a graphic family tree is useful where names of family members and ages can be included, which may help the person to be more accurate whilst also allowing the person to feel involved. The information gained may indicate discrepancies or impossibilities, which need to be clarified.

Do indicate to the UASC/young person that you are aware that talking about their family may be very painful and difficult for them; for some, it may be too painful to open up at this time. This must be understood and respected. It is important to clarify the nature of their parent and sibling relationships as some cultures for example, call a half-brother their brother, or stepmother their mother. Additionally ask if either parent had more than one wife/husband.

Suggested questions
1. Where were you born? Name village, region, province, country? How long did you live there?
2. Who lived with you? Parents, extended family members? (Record the names and known ages of parents on genogram) Also, check how many wives the young person's father has.
3. Record names of all known blood relatives, siblings, aunts, uncles and cousins; their ages and where they live. (Non-blood relatives are often known as 'brother or uncle').
4. What did your father do for work?
5. What did your mother do?
6. Would you describe your family as having less than, the same as, or more than most people in your village?
7. Describe your house; the layout, who slept where, was there a garden? Did they keep animals? Etc.
8. Tell me about your village so that I can imagine what it's like.
9. Did you and your family mix socially with extended family, neighbours etc?
10. Who were your friends? How old were they?
11. How did you spend your spare time?
12. Did you have TV, Internet, telephone? If so what did you like to spend time watching?
13. Who did you talk to if you were worried about something?
14. What sort of things might be considered 'bad behaviour' by your parents?
15. Were you ever punished? And if so how and by whom would you be punished?
16. Did your family celebrate special occasions? If so which occasions did they celebrate? (If they celebrate Ramadan, how many days were you expected to fast?)
17. What other villages/towns were nearby?
18. If you wanted to get somewhere how would you travel?
19. Where did you attend; Mosque, Church etc.
20. Who did you attend with? Did you have a regular role?

21. How many times a week/day did you attend?

22. What religious or cultural celebrations can you remember taking part in? (Eid is twice a year around October and after Ramadan in March).

Insert Genogram:

Insert Timeline
<table>
<thead>
<tr>
<th>UASC/Young person’s view of how they know their stated age</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>4) Developmental Considerations</strong></td>
</tr>
</tbody>
</table>

Questions about the types of activities and roles that the person was involved in prior to arriving in the UK can often give an indication of age. *Remember to use open-ended questions, as this will allow for the UASC/young person to disclose information without prompting.*

- Cultural considerations need to be taken into account as in some cultures it could be normal for a young teenager to be working full-time. A person may appear to answer a question about alcohol in a shy manner because their religion does not allow for this.
- “Tell me what you did in your spare time” is the sort of question that can give an idea of the age appropriate interests and activities. Remember to relate answers to what would be appropriate in the young person’s country of origin and culture.
- Ask about peer relationships at school / work / neighbourhood.
- Questions about age-related rituals should be asked; including forced marriage, and any sexual relationships.
- Does what the person is describing seem age appropriate?
- Remember that some young people may possibly have been involved in armed conflict, have been child soldiers, involved in sexual exploitation and may have experienced a number of traumatic situations.
- Answering questions related to many of the above may be too difficult and painful until a relationship of trust has been established.
- Arranging for a person to be involved in social situations with other young people of the age stated, and observing how this person interacts and is accepted, can be useful.
5) Education

Obtaining a detailed account of the person’s educational history is a valuable source in the age assessment process. Listed below are important facts that need to be gained:

- Age at which school was started
- Number of completed years spent in any school.
- Establish if there were any gaps in education and if so, how long was the gap/s and why.
- Adding the number of years of school attendance to the age school was started at, including possible disruptions in schooling should equate to the stated age.
- Names and addresses of schools attended.
- Subjects studied.
- Gaining knowledge or consulting with experts educated in different countries, is useful to validate the authenticity of the information provided.
- It may be possible to contact schools in some countries of origin. 
  e.g., it may be of use to know that it is the norm to have six years of junior and six years of senior school in some countries.

Suggested questions;

1. Where did you go to school? Record name and address of school
2. How old were you when you started school?
3. How long did you attend?
4. Were there any gaps when you couldn't attend school?
5. When was the last time that you went to school?
6. What sort of school did you attend i.e. was it a state school, a Mosque etc.
7. How many children were there in your class?
8. What were their ages? How did you know?
9. Were there boys and girls in your class/school?
10. What subjects did you study?
11. What did you enjoy learning about the most?
12. What would your parents say you were best at?
13. Who were your friends at school? What would your friends say that you were good at?
14. What do you think your parents would have told your teacher about your absence?

15. What was your teacher's name? Head teacher? Favourite teacher?

16. Describe a typical day at school…

17. What happened if you did something against the school rules?

18. What do you hope to achieve from your education?

If the UASC/young person has not attended school:

1. What was the reason they didn't attend school of some sort?

2. Do you work?

3. Can you read or write? If so in what language?

4. Who taught you to read/write?

5. Did other children in your village attend school?

6. Did any of your siblings attend school?

7. What did you do during the day?

8. What skills do you have? E.g. carpentry? Tailoring? Animal husbandry? Shop work?

9. Were you paid money?

10. If so, by whom?

11. If you worked who were your friends?

12. What activities did you share with them socially?

13. Did you contribute towards your family financially?

14. If not, who bought you the things that you need?

15. What do you hope to do now that they have arrived in the UK?
6) Independent/ Self-Care Skills

Understanding the level of ability, experience and confidence that a person has in being able to care for themselves can be an indicator of age. The assessing Social Worker(s) may wish to ask the person directly how they feel about living in an independent setting and observe their reaction.

- Has the person lived at home or have they lived on their own/in an independent setting?
- Is there a clear impression that the person has never lived away from home and has been cared for by adults?
- Does the person have experience in managing money, paying bills, arranging appointments, buying food and other supplies etc?
- Is the person able to cook more than just a basic meal?
- It is essential to take account of the local situation from which the person has come – e.g. war, famine etc; and of cultural norms, for example it may not be expected that men should have any domestic skills in some countries.
- Has the person stated a preference during the assessment of how they wish to live in the UK?
- Would this person be at risk living independently? Give reasons for this.

The assessing worker, may wish to pose a scenario to the UASC/young person at this point or at the end of the assessment; that if the UASC/young person is believed to be under 16 he or she will be placed in foster care where certain house rules will have to be followed, and will be expected to be home at a certain times etc. The reaction to this may provide valuable information.

Suggested questions

1. Describe a typical day in your family life from when you wake up i.e. who wakes you up, makes you breakfast, launders your clothes?

2. When was the last time you went to see a doctor?

3. When was the last time you saw a dentist?

4. Who buys/chooses your clothes?

5. Who; looks after the house, feeds the animals, supervises the younger children etc?

6. What if any regular tasks were you expected to undertake, inside or outside the home?

7. How far had you been allowed to travel alone before your journey to the UK?

8. Tell me about your health (take a history of any stays in hospital, broken bones vaccinations etc.).

9. What are you able to do for yourself? Are you able to launder your own clothes? Cook a simple meal? Shop? Use money?

10. What types of foods would you say it’s important to eat regularly?
11. Tell me about your diet?
12. Have you needed to see a doctor or dentist while you've been in the UK?
13. Are you on any medication?
14. What sort of things have you had to do for yourself since coming to the UK?
15. What have you found hardest since arriving?
16. What sort of things do you worry about?
17. Is there anything that you are worried about now?
18. Who can you talk to if something is bothering you?
19. What would you do if you needed the doctor?
7) Health and Medical Assessment

A medical opinion and view on age will always be helpful.

Questions about the person’s health history can be informative in assessing age, both from the information given and the reactions to specific questions.

The Royal College of Paediatricians advised in November 1999 that there can be a five-year error in age assessment, invasive methods and medically unnecessary examinations of course should never be use, including dental X-rays. However, opinions and views on age from a paediatrician, GP and optician can be very helpful in assisting in the process. (Refer to ‘medical reports’, p.34)
8) Information from documentation and Other Sources

Documentation when available should always be carefully checked; authenticating documents however, is a specialist task.
If the assessment is an ongoing process, it is important to obtain the views of other significant figures involved with the young person.

Other sources may include foster carers, residential workers, school teachers, doctors, solicitors, interpreters and other young people, voluntary or community sector or other support organisations. Observations of how the person interacts in different social situations can provide useful age indicators. (See multi agency working; information gathering, p.33).
9) **Analysis of information gained**

Conclusion of the assessment.

**Key indicators of the conclusion.**

The assessing worker should draw together the information obtained, and present his/her views and judgement on the age of the person being assessed, giving clear reasons for the conclusion. If this differs from the stated age, clear reasons for this disagreement should be given.

Please remember this process is not an exact science and that conclusions should always give the benefit of doubt. (See analysis & decision making, p.47)
**Conclusion**

<table>
<thead>
<tr>
<th>Based on the assessment, the client’s age is:</th>
</tr>
</thead>
<tbody>
<tr>
<td>....................................................</td>
</tr>
<tr>
<td>DOB is estimated to be:</td>
</tr>
</tbody>
</table>
| }
**AGE ASSESSMENT FORM/Client**

<table>
<thead>
<tr>
<th>Name:</th>
<th>Port Ref No:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nationality:</td>
<td>Port Ref No:</td>
</tr>
<tr>
<td>Claimed Age/DOB:</td>
<td>UK Visas &amp; Immigration Ref No:</td>
</tr>
</tbody>
</table>

Name & Address of Local Authority undertaking Assessment:

<table>
<thead>
<tr>
<th>Name of Assessing Workers:</th>
<th>Date of Assessment:</th>
</tr>
</thead>
</table>

You have been assessed to be over 18: ☐
You have been assessed to be a child, age: ☐ Years; DOB: ☐
Your assessment is inconclusive and further work is necessary: ☐

Conclusions and Reasons for this:

---

*It was explained to you at the end of your interview that you have the right to disagree with the outcome of the assessment, and to challenge our decision; you may do so by contacting a manager at the , or by requesting the ‘Complaints Procedure for Children and Young People’ on the same number. You should ask advice of a solicitor to challenge this decision (see pages 48-49)*
Annex 4: Model Information Sharing Proforma

Model Information Sharing Proforma

(Insert YOUR Local Authority)

and the Home Office

regarding

OUTCOME OF AGE ASSESSMENT

FOR

`full names and any aka`,
country of origin (delete grey text)

Claimed Date of Birth:

Names of Assessing Workers:

Date Assessment Completed:

1. The assessment was undertaken by:

   Worker A – Status. qualifications, experience – state if differential roles assigned e.g. lead worker. (delete grey text)

   Worker B – Status. qualifications, experience (delete grey text)

2. Outline of dates of interviews, venue, who present: including interpreter and any independent person

3. Summary of process:

   (should include)
   - Informed of reasons for interview
   - Advocacy

Demonstrate that it has been conducted in a way that conforms to Merton and other relevant case law/guidance – (delete grey text)
4. **Other sources of information, including other age assessments that have been taken into consideration.**

5. **Conclusion on age issue**

   Conclusion taken from substantive report. Should briefly summarise and analyse information and should concur with substantive report. (delete grey text)

6. **Outcome – how shared and opportunity provided to check or challenge information included**

   Note whether copy provided to solicitor - attach copy of consent document (delete grey text)

7. **Assessed Date of Birth:**

8. **Date new age/DoB effective from:**

9. **Signed by both assessing workers**

10. **Endorsement of Manager/Supervisor/Independent Third Party:**

    *I am in agreement with the conclusion of the assessment and confirm that the assessment process has been lawfully conducted and complies with guidance arising from the Merton Judgement and subsequent case law.*

    Name:
    Organisation:
    Status:
    Signed:
    Date:

    **Third Party/Independent Review Officer Comments;**

    Name:
    Organisation:
    Status:
    Signed:
    Date:

---

**PRIVATE AND CONFIDENTIAL - INSERT YOUR OWN LA STATEMENT HERE**

E.G.This document and the information it contains is the property of XYZ Council and should not be copied, distributed or in any other way disseminated to any other person or bodies, without the prior (written) consent of XYZ Council.
AGE ASSESSMENT INFORMATION SHARING CONSENT FORM

The purpose of this assessment is to assess your age in order to establish if you are considered a child as defined by the Children Act (1989 & 2004).

Name:........................................................................................................

Address:....................................................................................................
..............................................................................................................

The full age assessment will be shared with your legal representative if requested. The summary and conclusion will be made available to Home Office (UK Visas and Immigration) through an agreed proforma. There may be circumstances in which the full age assessment will be shared with the Home Office for example in the event that your case enters the court arena or in the interest of safeguarding.

As part of the age assessment process I agree to the assessors contacting any person / agency in order to request information that might assist this process.

I understand why I am having an age assessment

Please specify any individual/agency that you do not wish assessors to contact if any, as part of this age assessment.
...........................................................................................................................................

You are able to have an Independent Observer (adult) present during the age assessment and the Council will facilitate this.

I wish to proceed with an independent person present       Yes/No *

The name and status of the independent person/ If *No, state reason:
...........................................................................................................................................
...........................................................................................................................................

The assessment took place in................................................................. language.

This form has been interpreted to me in .............................................language.

I confirm that I have understood the interpreter clearly                   Yes /No

Signature:..........................................................          Date:.................................

Person does not wish to sign consent form                               (Please tick)   

Revised 03/2015v4
This document and the information it contains is the property of xxxxxx Council and should not be copied, distributed or in any way disseminated to any other person or bodies, without the prior consent of xxxxxxxx Council.
Annex 6: Supporting Information

a) Appropriate Adult
A UASC/young person undergoing an age assessment must have the opportunity to have an appropriate adult present with them during the age assessment interviews. The role of the appropriate adult should be clearly explained at the outset of the interviews, and it is recommended that the same appropriate adult is used throughout the age assessment (unless the UASC/young person requests a change). An appropriate adult should be independent of the Local Authority and should have the right skills to undertake the role and be clear about it. Their role is to ensure the UASC/young person understands the questions posed to them, and that the assessing social workers conduct the age assessment in a child-friendly, clear and transparent manner.

The appropriate adult may also support a UASC/young person to clarify questions posed by Social Workers, but cannot coach or answer questions on behalf of the UASC/young person. The appropriate adult may ask for breaks if needed and should also take written notes during the assessment which may be shared with others at the UASC/young person’s request. Consideration should be given to gender issues when assigning an appropriate adult.

For further information and definition of ‘appropriate adult’, ‘Responsible adult’, advocate, see; http://www.asyl.at/umf/ber/ilpa_working_with_children_1.pdf

b) Additional vulnerabilities, health
Many of the UASC/young people you will be assessing will have needs and vulnerabilities beyond being a UASC/young person in a new country on their own, and you should bear this in mind when planning their assessment. Most assessing Social Workers will not be able to diagnose physical, mental or emotional health difficulties or learning difficulties, or the effects of trauma, but should be alert to the fact that the UASC/young person in front of them has by definition undergone experiences which are likely to have a serious impact on their development and on their ability to clearly answer all questions put to them.

At the time of assessment, the UASC/young person may have made a recent claim for asylum. They may have been questioned several times in recent days about their history, for example by immigration officers and other Home Office officials, or legal representatives. Some UASC/young people may never have been questioned about their lives in this way before, and may be confused, stressed or distressed by what they perceive to be repeated questioning and disbelief about their lives, for reasons which they do not understand.

---

Much of the assessment is likely to rely on what the UASC/young person tells the assessing Social Workers. There is a significant body of research casting doubt on the accuracy of ‘normal’ memory, and most people have difficulties in accurately and repeatedly recalling some things in their lives. UASC/young people are likely to find it even harder to clearly recall and recount distressing memories. Further, post-traumatic stress and depression are the most common psychiatric diagnoses in asylum seekers, and these illnesses impact on memory. There is also the difficulty of telling and being understood across widely divergent cultures.  

**c) Best practice working with interpreters**

- **Never use friends or family members to interpret**: they are not professionals in the field of interpreting, it increases the scopes for mistakes: Furthermore;

- UASC/young people may feel uncertain in disclosing certain matters pertinent to their age assessment owing to embarrassment or fear of loss of ties with their communities as a consequence of information they disclose;

- Certain cultural norms may make it taboo to talk of certain matters to those considered as ‘outsiders’. It is the role of Social Workers to ensure that they provide all the necessary tools and arrangements to enable the UASC/young person to speak freely without fear, embarrassment or hindrance about the consequences of what they might disclose.

- **The UASC/young person must be given a choice to the gender of the interpreter required**

- **Retain the same interpreter for all appointments**: If both the Social Worker and the UASC/young person are satisfied with the interpreter, then it is good practice to use the same person for any follow up interviews. This allows the UASC/young person to feel more at ease with the interpreter and consequently more able to disclose their experiences.

- **Ask the questions in the first person and talk as one would with an English speaker**: The Social Worker must conduct the age assessment by asking questions directly to the UASC/young person in the first person. For example: ‘Can you remember your birthday?’, rather than asking questions of the interpreter such as ‘can you ask him if he remembers his birthday?’ This is to ensure that the UASC/young person (non-English speaker) and the Social Worker (English speaker) are placed on an equal footing.

- **Remain vigilant to any changes in the interpreter’s voice or body language**: Any modulation in the interpreter’s voice can sometimes be a sign of a reproaching or disbelieving attitude on the part of the interpreter. Also remain aware of the non-verbal indicators such as body language and facial expressions.

---

Stress to the UASC/young person the importance of ensuring that they are comfortable with the interpreter: Keep in mind that UASC/young people are less likely than adults to report any difficulties or uneasiness felt with the interpreter. If the UASC/young person seems uncomfortable with an interpreter, emphasise that the Social Worker can book a different interpreter so that they feel at ease. It is only then that the age assessment should proceed.

If required, terminate the appointment and re-arrange a further appointment within a short time period with a different interpreter, informing the child/young person and the Appropriate Adult of the reason for the postponement.

d) ‘Merton-Compliant’
An appropriate ‘Merton-compliant’ age assessment is crucial to both the outcome of the asylum application, and the appropriate provision of services to meet the individual’s needs. The term comes from the case of R (B) v London Borough of Merton 2003 – a key judgement about age assessment. The judgement established a vital baseline for age assessment, but this judgement should not be utilised in isolation from the growing body of emerging case law.

e) Police. Further information
In circumstances where the Police are the first point of contact with an individual claiming to be a UASC/young person, e.g. a clandestine event or ‘lorry drop’, and where the individual has been identified as having entered or remained in the UK unlawfully, the Police will make an arrest for suspected entry without leave under section 24(1) (a) of the Immigration Act 1971 and take the person into custody. The arrest must comply with the standard PACE conditions and is necessary to enable UK Visas & Immigration to engage in the process. Any child under 10 years entering the UK without permission will not be able to be arrested or held in police detention and in such circumstances officers should ensure that the welfare of the child is maintained.

The detention of an individual – within the Police and Criminal Evidence Act 1984 (PACE) holding time frame (24 hours) – allows the police to take and record personal details i.e. photographs and finger prints. Police can also take DNA samples (if child is over 10 years of age) if consent is given by a social services representative acting here as an ‘Appropriate Adult’. The DNA samples of the UASC/young person will be stored by police unless the young person goes missing, then the DNA can be submitted for entry onto the DNA database.

Additional rights for children; Section 57 of PACE articulates additional rights for children and young persons in detention; Steps should be taken to ascertain the identity of the person who is responsible for the child/young person’s welfare as soon as is practicable. Extreme care should be taken in identifying the persons who claim to have responsibility for the child/young person, as human traffickers will make strenuous attempts to ‘recover’ child victims of trafficking from police or social services care and protection.
f) Recording of interview and note on ‘demeanour’.

You may record observations such as; ‘his face was clean shaven’; however avoid statements such as ‘his face was clean shaven to make him look younger’. The assessment is holistic, and must be analysed in the context of all of the information gathered. You will be expected to evidence any conclusions you draw.

This also applies to ‘demeanour’. Social Workers have been criticised by the courts for making meaningless statements in respect of ‘demeanour’ e.g. In A & WK, Judge Collins asked: ‘What is meant by the observation that; he appeared to be comfortable in his body?’ It is difficult to follow what this does mean and how discomfort with a changing body can manifest itself’. It can only be relevant in the totality of the evidence before the assessors. To mean anything, Social Workers need to describe what they observe i.e. It would have been more appropriate to record something like;

*He appeared relaxed in his chair; half sitting half slouching, his legs were stretched out in front of him. His hands remained folded behind his head for much of the interview apart from three occasions when he was observed to ‘have a good stretch’. When asked he insisted that he was not tired’.*

You haven’t attributed any meaning to the UASC/young person’s behaviour but you have provided a relatively clear picture of their demeanour during the interview.

g) Trafficking

Should you have concerns that a UASC/young person may have been trafficked either to or within the UK, it is the responsibility of First Responders to complete a National Referral Mechanism (NRM) referral. First Responders include Local Authorities, police forces and UKVI. In the case of children under the age of 18, consent is not required for a referral to be made. The referral form contains a list of human trafficking indicators that may assist you in deciding whether to make a referral.

Should you wish to discuss whether a referral is appropriate, or require additional information on the NRM process, you may contact UKVI Wales NRM Operational/Technical Lead on 029 2092 4652 for advice.


Completed forms should be sent to the UK Human Trafficking Centre (UKHTC) via email at UKHTC@nca.x.gsi.gov.uk or by fax to 0870 496 5534. UKHTC will collate the information and allocate the referral to the appropriate Competent Authority for consideration.
Children who have been trafficked into or within the UK are likely to have had experiences which impact on their ability to participate fully and openly in an age assessment. Aside from the physical, sexual or emotional abuse they may have suffered, many trafficked children have been forced by their traffickers to learn a story to tell if they are questioned. Many children are under threat directly themselves, or may have family members elsewhere who may be under threat (or perceived threat). Children may not know at this stage who they can trust. Trafficked children may have been provided with documents by their traffickers which are either false, or are genuine documents but not belonging to the child. For example, it is common for visa applications with incorrect details to be made to enable the movement of children from some countries. The existence of a document does not necessarily prove someone’s age.

h) Case Law

What is meant by a ‘Merton-Compliant age assessment’?

R (B) v London Borough of Merton 2003

There is no statutory guidance on how to conduct an age assessment, and instead a body of case law has developed which gives guidance on the process required. Until 2009 and the case of R (A) v Croydon, R (M) v Lambeth, the leading case in this area was the case of R (B) v Merton 2003 in which the judge set down broad guidelines as to how age ought to be assessed in respect of unaccompanied minors who arrive in the UK without documentary evidence to prove their age. The judge confirmed that the Local Authority “cannot simply adopt a decision made by UK Visas & Immigration” and outlined the following points, many of which have been reiterated in subsequent legal cases:

- An assessment cannot be made solely on the basis of appearance or demeanour, and should be a holistic one taking account of the young person’s appearance, demeanour, background and credibility.

- Any assessment should take into account relevant factors which form the child’s medical, family and social history and the decision maker should seek to elicit the general background of the application, including family circumstances and history, educational background and activities during the previous few years. Cultural and country of origin information is also important. General credibility of child as to their journey or past is not necessarily determinative of general credibility on age.

- There was a duty on the decision makers to give reasons for a decision that an applicant claiming to be a child is not a child.

- The young person should be given an opportunity during the assessment to answer any adverse points the decision maker concluded.

- Age assessments must be conducted by two workers acting together. One worker should be a qualified Social Worker and the qualified Social Worker should assume
the lead role in planning the overall assessments, and ensure that all the safeguards to ensure fairness are in place.

- If the decision maker is left in doubt about the age of the claimant, the claimant should receive the benefit of that doubt.

The Merton judgement established a vital baseline for age assessment, but this judgement should not be utilised in isolation from the growing body of emerging case law (see below, key legal judgements, post-Merton)

A ‘Merton compliant’ assessment will be in accordance with both with the Merton judgment and subsequent case law addressing age disputes.

This is a key judgement about age assessment and policy and practice guidance and other references to the process will often state that age assessments must be ‘Merton-Compliant’.

Key legal judgements post Merton Judgement:

R (on the application of A) v London Borough of Croydon: R (on the application of M) v London Borough of Lambeth 2009

This judgement held that, although age assessment remained the responsibility of Local Authorities, in the event of a challenge by judicial review, it would be for the High Court itself to determine, as a matter of judicial fact, whether the person is a child and how old he or she is.

R (FZ) v London Borough of Croydon 2011

This judgment included:

- a young person has a right to have an Appropriate Adult present at the age assessment interview. Social Workers should ensure that arrangements are made with independent advocacy providers to ensure that age disputed children have an advocate who can be present throughout the age assessment process,
- there is no burden of proof on the child to prove his age,
- affirms the Merton principles as to credibility,
- fairness requires that the assessors put to the child adverse inferences and matters which require clarification at the end of the initial interview so as to provide the child an opportunity to rebut / clarify matters before a final decision is reached on age

A v L.B. Croydon and WK v Secretary of State for Home Department and Kent [2009].
This judgement provides guidance to Local Authorities and the Secretary of State on the weight and importance that may be placed on a paediatrician’s report as part of the age assessment process. Justice Collins found that while Local Authorities should take such reports into account, they are entitled to prefer the views of their own social work age assessment. Providing that:

- the social work assessment was conducted over a longer period of time
- all available information was considered, analysed and evaluated
- it was conducted by Social Workers who are suitably trained and experienced in the assessment of age

“It is always necessary to be sure that the assessment was properly conducted and has reached a sustainable conclusion and the record of and reasons for the assessment will be crucial.”


This was the first judgement following the Supreme Court’s ruling and provides initial guidance about how the Administrative Court will execute its fact finding role when considering age assessment judicial reviews:

- Age dispute cases remain proceedings for judicial review. In common with all such claims, permission is required before the claim can proceed. Unarguable cases will be refused permission.
- If Local Authorities want to defend the age assessment reports, then the Social Workers who prepared them will have to give oral evidence and submit to cross examination.
- The applicant must be available if required to give evidence, although how and under what circumstances is a “matter for the judge at the hearing itself”.
- Medical and paediatric evidence are admissible - providing they have previously been submitted to the Local Authority for consideration- as is the opportunity for evidence in response from Local Authorities.
Annex 7: Further Resources

Advice, information

ADCS

Displaced People in Action

Translating services WITS

UK Visas & Immigration

UKVI Minors Team Lead Cardiff
Vijayakala.smith@homeoffice.gsi.gov.uk

Wales Strategic Migration Partnership

Welsh Refugee Council

UK Visas & Immigration, Cardiff Regional Office
Ground floor, 31-33 Newport Road, Cardiff, CF24 0AB

NPSCC advice for professionals on child trafficking
http://www.nspcc.org.uk/search/?query=TRAFFICKING

Advocacy services in Wales

http://www.childreninwales.org.uk/inyourarea/advocacy/index.html

Tros Gynnal (advocacy – Newport and Cardiff only)
http://www.thesprout.co.uk/en/organisations/tros-gynnal-cacy-project/05301.html

Legal information

List of Immigration Practices in Wales

Migrant Children’s Project, Children’s Legal Centre.

http://www.seekingsupport.co.uk/images/pdfs/seek_supp_02_12_12_complete.pdf
UK Visas & Immigration Age Assessment Policy
http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/asylumproces
guidance/specialcases/guidance/assessing-age?view=Binary

UK Visas & Immigration Assessing Age
UKBA Asylum Process Guidance ‘Assessing age’

Age Assessment Joint Protocol between Immigration and Nationality Directorate of the
UK Visas & Immigration (IND) and Association of Directors of Social Services, 2005

Best practice

ACPO Lead position on Child Protection and Cannabis Cultivation on Children and
Young People Recovered in Cannabis Farms,  ACPO Child Protection and Abuse
Investigation Group
http://ceop.police.uk/Documents/ceopdocs/externaldocs/160810_ACPO_lead's_positio
n_on_CYP_recovered_from_cannabis_farms_FINAL.pdf

ADCS, Age Assessment Information Sharing for Unaccompanied Asylum Seeking
Children, 2013
http://www.adcs.org.uk/goodpractice/ageassessment.html

Heaven Crawley, Working with Children and Young People Subject to Immigration

Syd Bolton, Kalvir Kaur, Shu Shin Luh, Jackie Peirce and Colin Yeo, for ILPA, Working
with Refugee Children: Current Issues in Best Practice, 2011
Download pdf version.

Age Assessment guidance

London Asylum Seekers Consortium: Age Assessment Good Practice Guidance - Pan
London Local Authority Practitioners Review of Current Practice: Edition 1: January
2013.

Age Assessment Guidance; Guidance to assist social workers in completing age
assessments in the UK.
http://cdn.basw.co.uk/upload/basw_35330-3.pdf

Newport Social Services Duty Team; Guidance for: Social Workers undertaking Age
Assessments (available on request)
Practice Guidelines for Age Assessments of UASC - Approved via Case Law (Merton & Enfield)

Reports/research


Office of the Children’s Commissioner, The Fact of Age: Review of case law and Local Authority practice since the Supreme Court judgment in R (A) v Croydon LBC [2009], 2012

Office of the Children’s Commissioner “What’s going to happen tomorrow?”. Unaccompanied children refused asylum
http://www.childrenscommissioner.gov.uk/content/publications/content_794

Refugee Council, Not a Minor Offence: unaccompanied children locked up as part of the asylum system, 2012

Refugee Studies Centre, Negotiating childhood: Age assessment in the UK asylum system, 2010