



# Age Assessment Guidance

Guidance to assist social workers in completing age assessments in the UK

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## Introduction

Those of us who have been involved in writing this guidance have direct experience in the age assessment process – either as social workers, social work managers, advocates or lawyers for young people going through the age assessment process. We have seen the challenges faced by young people and the repercussions when things do not go well. We have had the pleasure of supporting young people through their journeys within the UK. We have also dealt with the stress of working within extremely pressurised local authority environments.

We have tried to bring together these experiences to create guidance that suggests best practice around age assessments, whilst also acknowledging the challenges social workers face in the day-to-day work. With that in mind, we have kept the guidance itself intentionally brief, in the hopes that you can quickly refer to the sections needed. We have put more detailed information in the Appendix if you would like to read up on particular issues.

Our use of the words “children” and “young people” has been very deliberate. We use the word “child” when it is very clear we are discussing an individual that is under the age of 18. We use the words “young person” when we are not yet sure of whether the individual is under 18, but could very well be. Even if after an age assessment and it is acknowledged that a young person is under the age of 18, we may continue to use “young person” as many adolescents do not appreciate being called “children.” We have tried to use language that the young people we know and support would be comfortable with.

This guidance has also been produced concurrently with the Association of Directors of Children’s Services (ADCS) and Home Office Age Assessment Joint Working Protocol (JWP). The Protocol is designed to assist local authorities and the Home Office negotiate joint working and information sharing. This guidance is specifically to help social workers complete the best age assessments possible, bearing in mind the needs of young people. They are separate and distinct documents, but work together to aid all involved to reach appropriate outcomes for unaccompanied asylum seeking young people.

The information included was relevant at the time of writing, but we are aware that case law can change quickly.

We hope that this guidance gives you the confidence to complete age assessments in a child-friendly way, using best social work practice and ethics.

## Chapter 1 – Do you need to undertake this assessment?

### Checklist:

- Is it absolutely necessary to undertake this assessment?
- A needs assessment should be separate from an age assessment (though the age assessment may help to inform the needs assessment)

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Statutory guidance on the care of unaccompanied children 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.'<sup>1</sup>

This guidance is also relevant where all parties accept that the young person is a child but where the age of the child is not clear. 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 can 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. In other circumstances the young person will be able to produce clear information about their age for example from documents or from reference to education. Lengthy assessments which ask young people difficult and distressing questions should be avoided unless you are clear that this is likely to be helpful and productive.

However, there may be occasions when you do not feel that an age assessment is necessary but the Home Office are requesting an assessment before they will treat the young person as a child in the immigration process. In these circumstances you may need to negotiate with the Home Office to explain why the 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.

The authors acknowledge and accept that some people do abuse the age assessment process. In some rare circumstances, it will be very clear that the individual is an adult well over the age of 18, so the level of assessment required may not need to be as thorough as the guidance generally recommends. See Appendix (minimal age assessment & timescales) and Chapter 2.

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[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/330787/Care\\_of\\_unaccompanied\\_and\\_trafficked\\_children.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/330787/Care_of_unaccompanied_and_trafficked_children.pdf)

## Chapter 2 - Before you start

Before you start making practical arrangements for an age assessment, there are many things to think about and plan. Have you considered the following:

- Do you need to undertake this assessment? (see chapter 1)
  - Might the child or young person have been trafficked?
  - Does the child or young person have any other additional needs (aside from being a young person alone here)? For example:
    - Might they have physical, mental or emotional health difficulties?
    - Might they have learning difficulties?
    - Might their experiences before they left home or on their journey here impact on their ability to respond fully to questions you will be asking them?
  - What is the current immigration status of the young person and do they need assistance with this before and/or after your assessment?
  - Is the young person in suitable accommodation before and after the assessment?
- 

### Things to Consider:

#### Trafficking

Since the inception of the National Referral Mechanism (NRM) an increasing number of children have been identified as potential victims of trafficking.<sup>2</sup> 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 regional representatives of the NRM.

Many trafficked children go missing within 48 hours of becoming looked after. Suspicions of trafficking require a bold and immediate response to keep the child safe, and a Section 47 enquiry and the development of a robust safety plan will be appropriate in most cases. Where the age of the young person is in doubt, a suspected victim of trafficking must be presumed to be a child and be accorded special protection measures pending assessment of their age.<sup>3</sup>

Children who have been trafficked into 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.

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<sup>2</sup> Statistics compiled by the National Crime Agency <http://www.nationalcrimeagency.gov.uk/publications/139-national-referral-mechanism-statistics-2013/file>

<sup>3</sup> Art 10 of Council of Europe Convention on Action Against Trafficking in Human Beings 2005

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.

The London Safeguarding Children Board has comprehensive guidance and a toolkit for working with trafficked children. See <http://www.londonscb.gov.uk/trafficking/>.

Please see the Appendix for more information regarding trafficking and working with victims of trafficking.

## **Disappearance**

There may be cases when a person due to be age assessed goes missing prior to the assessment. In these cases, child protection protocols should be followed; at a minimum, you must report the young person as missing.

## **Additional needs and vulnerabilities**

Many of the young people you will be assessing will have needs and vulnerabilities beyond being a 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 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.

Much of the assessment is likely to rely on what the 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. 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.<sup>4</sup>

At the time of assessment, the 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 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.

Please see the Appendix for more information regarding additional needs and vulnerabilities.

## **Immigration status**

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<sup>4</sup> 'Just tell Us What Happened To You: Autobiographical Memory and Seeking Asylum'. Herlihy, Johnson and Turner 2012 <http://www.csel.org.uk/resource/Just%20Tell%20Us%20-%20pre-print.pdf>

***If the young person has claimed asylum and is assessed to be a child:***

If the child has an outstanding claim, or if their claim has been refused, then urgent regard must be given to how they will be supported and advised; there are likely to be deadlines which must be met in relation to their claim. If the Home Office is treating the child as an ‘age dispute’ or as an adult, you must promptly inform them that you have assessed the young person to be a child

***If the young person has claimed asylum and is assessed to be an adult:***

If the young person has an outstanding asylum claim they will be eligible for support from the Home Office<sup>5</sup>. The young person will need help to access this support to prevent them from becoming destitute. Local arrangements are in place for people to access adult support. It is important that the young person is provided with a letter stating clearly that you have concluded a lawful Merton complaint assessment which has assessed them to be over 18. See also Chapters 6 and 7 for further information on what should be given to the young person, and to the Home Office. The Home Office will not accommodate age-disputed young people without written assurance that a lawful assessment has been undertaken and failure to provide this will risk leaving the young person homeless.<sup>6</sup>

If the young person has had their application refused and has no outstanding appeal, they will not be eligible for support as an asylum seeker, but may be eligible for support under Section 4 of the Immigration and Asylum Act 1999.<sup>7</sup>

For further advice, contact Migrant Help on 0808 8000 631 or the Refugee Council Children’s Section on 020 7346 1134 [children@refugeecouncil.org.uk](mailto:children@refugeecouncil.org.uk).

***If the young person has not claimed asylum and is assessed to be a child:***

If the child has not claimed asylum, then regard must be given to how they will be supported to get immigration advice before they claim. This should be done in a timely manner, giving the child enough time to begin to recover from their experiences before arriving in the UK, but ensuring that they are not disadvantaged by missing any age-related milestones. The possible outcomes of an asylum application for a child under the age of 17.5 are different from those for a child over the age of 17.5, and unnecessary delay could be very prejudicial. The Home Office will pay grant money to the local authority to look after a child for up to 12 weeks before the child claims asylum (longer in exceptional circumstances),<sup>8</sup> though it will usually be in a child’s interests to initiate their claim in a shorter timescale.

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<sup>5</sup> A very small number of adult asylum applicants are refused support, in this instance specialist advice must be sought, for example from the Asylum Support Appeals Project <http://www.asaproject.org/>

<sup>6</sup> Your assessment needs to comply with caselaw established in Merton in 2003 and with all subsequent caselaw, ie ‘Merton plus’, but at the time of writing the Home Office policy is to require a statement from the Local Authority that the age assessment is Merton compliant.

<sup>7</sup> ‘Section 4’ support is provided by the Home Office to certain failed asylum seekers on the proviso that they meet certain criteria, and offers no cash and no choice of accommodation. For further information contact Migrant Help or see

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/330528/Section\\_4\\_SupportEXTERN\\_AL\\_-\\_v29.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/330528/Section_4_SupportEXTERN_AL_-_v29.pdf)

<sup>8</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/327067/uasc-funding.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/327067/uasc-funding.pdf)

***If the young person has not claimed asylum and is assessed to be an adult:***

If the young person has not claimed asylum and is assessed to be an adult, then they must claim asylum before they can access adult asylum support. Regard must be given to practical arrangements to assist the young person to claim asylum, if this is what they would like to do. Almost all applicants will have to attend in person at Lunar House in Croydon CR9 2BY. An appointment can be made by calling 020 8196 4524, and planning should take place to ensure that this can happen as soon as possible and that the young person is not left destitute while waiting to make their application. You may have local arrangements to assist adults in this situation.

**Suitable accommodation**

You will need to plan for suitable accommodation before, during and after the assessment. Other than in exceptional circumstances young people will be looked after under Section 20 of the Children Act 1989 whilst this process continues. In many circumstances this should be foster care, and the child or young person will benefit from that level of care and support in their early days as they recover from the experiences they had before they left their home country and on their journey. However, some young people may benefit from being placed in shared accommodation with other young people who have similar language and experiences. You may have concerns about placing an unknown young person in a family setting, and you should bear in mind the lack of background knowledge you have when deciding which family to place them with. Whether in foster care or other accommodation, recently arrived young people will usually need a high level of support to ensure that they are safe and well, and that they understand what is happening to them in the confusing first few weeks. Simple things like eating and sleeping properly can make a big difference to a young person's ability to participate fully in any assessment.

All children and putative children need safe and supportive accommodation, but particular care must be given to planning accommodation for potential victims of trafficking who may be at risk of going missing very soon after discovery. Specialist placement should be considered for these young people.<sup>9</sup>

If the young person is then assessed to be an adult, you may need to continue to provide accommodation in the short term to ensure that they are not left homeless while they transition to other support; proper planning can make this process as smooth and quick as possible.

Clear protocols and effective liaison with your placements team and housing department can help to ensure that appropriate accommodation is provided for young people in a range of circumstances. Do also remember that local authorities can be reimbursed for up to 28 days of the age assessment process.<sup>10</sup>

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<sup>9</sup> Specialist placements may be sourced within your own foster carer network. These foster carers must be well trained and alert to the particular risks in these circumstances. Alternatively they may be sourced through external providers.

<sup>10</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/327067/uasc-funding.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/327067/uasc-funding.pdf)



## Chapter 3 - Planning and Preparation

### Checklist:

- Are you as the assessing social workers clear about your work plan for preparing, conducting and concluding the age assessment and have you allocated time for the relevant components/tasks?
  - Has the child/young person been informed that an age assessment is going to be conducted and are arrangements in place to ensure they been given the information they need about the process and the support available to them?
  - Have arrangements been made for an appropriate adult and interpreter to assist with the interview/s?
  - Has a suitable venue been arranged?
  - Has relevant country of origin/background information been collated and read by both assessing social workers?
  - Have arrangements been made to gather any relevant information available from other sources, including any documentation?
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### Introduction

Planning and preparing well for an age assessment is important to ensure a fair, good quality and effective assessment. The process needs to be sensitive to the needs of the child/young person being assessed and enable them to participate to the best of their ability in the assessment interview(s). In order to facilitate this, the child/young person will need to be informed that an age assessment is going to be undertaken and given information about the process, the support available to them during the process and what action they can take if they are unhappy with the outcome of the assessment.

There are a number of tasks that need to be undertaken at the planning stage and time to complete them all will need to be allocated.

### Allocating Social Workers

Managers need to allocate two qualified and registered social workers to undertake the assessment. Both of you must have experience of working with children and young people, and of undertaking assessments of children in need. Best practice would be that at least one of you has experience of working with young asylum seekers and undertaking age assessments. Where this proves practically difficult, local authorities may wish to consider use of an independent social worker with relevant experience or making arrangements with other local authorities.

Both of you as assessing social workers must be clear about the relevant procedures and remit of the assessment and your roles, and ideally will have had age assessment training. The remit of an age assessment is to make a determination of someone's age, and *not* to assess their asylum

claim. You need to be mindful that the young person may have been “coached” on aspects of their account, but this does not necessarily mean they are being untruthful about their age.

You also need to be aware of the potential indicators of human trafficking. If information arises during the planning process that indicates a child/young person may have been trafficked, appropriate action must be taken to safeguard them.

Where possible, managers need to give consideration to gender issues in allocating assessing social workers, as the assessment may incorporate discussion around sensitive issues such as puberty, relationships, trauma and sexual assault etc.

## **Responsibility for work**

Roles in planning the assessment and conducting the interview(s) need to be discussed and agreed between both social workers and their manager, and will take into account the skills and experience of the workers involved. Tasks will include gathering information, practical arrangements such as booking a venue, an interpreter and an appropriate adult, gathering and reviewing any information already available, planning the assessment interview(s) and drafting the assessment report. You may wish to formulate some areas of discussion/questions in preparation for the interview(s).

## **Information gathering**

To meet Health and Care Professions Council (HCPC) proficiency practice standards, social workers are required to “draw on appropriate knowledge and skills to inform practice.”<sup>11</sup>

In undertaking age assessments, you need to ensure you have an understanding of the country and culture of origin of the young person being assessed, which includes information about religion, religious festivals, lifestyles, markers of maturity, the schooling/education system etc. There are a number of sources which can assist with this including country and country of origin reports. As well as gathering factual information to assist in understanding the history and life account of the person being assessed, you also need to be aware of cultural differences in expectations around verbal and non-verbal communication styles.

Information gathering in preparation for an age assessment may also mean scheduling time for reviewing information/knowledge of other relevant areas of information such as Post Traumatic Stress Disorder (PTSD) and the impact of trauma upon memory.<sup>12</sup> Further information gathering may be required following the age assessment interview(s), to explore issues which have been raised.

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<sup>11</sup> Health and Care Professionals Council “Standards of proficiency”, 2012.

<sup>12</sup> Post Traumatic Stress Disorder/Memory

[-www.rcp.ac.uk/healthadvice/problemsdisorders/posttraumaticstressdisorder.aspx](http://www.rcp.ac.uk/healthadvice/problemsdisorders/posttraumaticstressdisorder.aspx) and [www.csel.org.uk/resource/Overgeneral%20memory.pdf](http://www.csel.org.uk/resource/Overgeneral%20memory.pdf)

## **Information from other sources**

There may be a number of sources of information that could be used to contribute to an age assessment, and it is good practice to gather the information available prior to conducting the age assessment interview(s) with the child/young person. Foster carers, key workers/social care workers, teachers/college tutors may be involved in working with a child/young person depending upon their circumstances and placement arrangements, and they are likely to have high levels of contact with the young person. Their observations of young people in different settings and interactions with peers and other adults can make a useful contribution to your assessments.

You will need to consider the weight to be given to these sources. For example, you may attach greater weight to the views of a foster carer or teacher who has worked with a number of asylum seeking young people from the same country of origin as the child/young person being assessed than you would to someone who has no previous experience of working with/looking after unaccompanied asylum seeking young people.

Where the information available at the planning stage indicates the child/ young person may have mental health issues or learning difficulties, then further information/assessment may need to be sought. These potential needs will have to be considered both in conducting the interview(s) and analysing the information gathered from them.

Many young people seeking asylum enter the UK without documentation. However where a young person has or is subsequently able to obtain documentation, the assessing workers may need to consider expert authentication of any document/s. The Home Office are able to assist in verifying documentation. (to be confirmed with Home Office) As a general rule, contacting embassies is not a safe or appropriate option. Similarly, there may also be serious risks involved in contacting organisations either in the UK or the child/young person's country of origin. Alerting others to the presence of the child/young person in the UK may place them and/or their family at risk, now or in the future.

## **Location/venue**

The venue for the age assessment interview(s) needs to be conducive to helping the young person feel safe, comfortable and able to participate to the best of their ability in their interview(s). If a young person requests a specific venue for the interview(s) then this should be facilitated if it is appropriate/ possible.

The venue for the age assessment interview(s) needs to offer appropriate bathroom and drinks facilities. The room in which the interview is conducted must offer suitable seating, an appropriate temperature and lighting, and be an appropriate size for the number of participants involved in the interview. A suitable quiet space needs to be available if the young person wishes to take a break during the course of the interview. The young person's food and drink needs should also be considered.

## **Interpreter**

The interpreter must have the appropriate skills, training/qualification to undertake their role and should be experienced in working with children and young people. (Please see Appendix about Interpreters.) The interpreter will need to have the ability to translate and use words that they may not be comfortable with culturally. Where possible, consideration needs to be given to gender issues in allocating an interpreter as the assessment may incorporate discussion around sensitive issues such as puberty, relationships, trauma etc.

In order to ensure that they can participate to the best of their ability in the assessment interview(s), it is vital that the young person being assessed understands the questions being asked of them and that their responses are accurately interpreted during the age assessment interview(s). To facilitate this, when booking the interpreter, you must ensure the interpreter speaks both the correct language and dialect for the child/young person.

You need to be mindful that interpreters may come from small communities, and it is particularly important that the interpreter is aware of the need for confidentiality. Reiterating this at the start of the age assessment interview when the child/young person is present may enable them to feel safer and participate more fully in the assessment interview(s).

Best practice would be that the same interpreter is used/available for all age assessment interviews for the child/young person, unless the child/ young person indicates that they do not wish for this.

### **Appropriate adult**

The appropriate adult must have the appropriate skills/training to undertake their role and be experienced in working with children and young people. They need to be clear and confident about their role, and have the skills to support the child/young person in interview and challenge you and your colleague if they feel the interview is not being conducted appropriately. Where relevant/possible, gender issues need to be considered when making arrangements for booking the appropriate adult. (See Appendix)

### **Scheduling time for assessment**

Although the authors acknowledge the workload pressures for social workers, assessing workers need to schedule time for all aspects of the work involved in the age assessment to enable it to be completed promptly. This will include scheduling time for pre-assessment work as well as assessment interview(s), drafting and discussing the report.

In scheduling the assessment interviews, it is important to ensure that the child/young person has had sufficient time to recover from their journey to the UK, and is not tired or hungry.

If the child/young person is fasting, then this needs to be considered in planning when the assessment interview(s) is/are undertaken.

## **Recording**

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 child/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 be mindful to engage with the child/young person and also 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 young person's case record.

## Chapter 4 - Conducting the interview

### Checklist:

- Are two qualified and registered social workers present? (The same social workers should be present for all interviews.)
  - Have you explained to the young person the purpose of the interview, possible outcomes, the different roles of professionals and how the information may be shared, and recorded that you have done so?
  - Is an appropriate adult present and have you explained that person's role?
  - Does the young person understand the interpreter (e.g. correct dialect) and are they comfortable with them? Have you recorded this?
  - Have you checked on the welfare and well-being of the young person, and are they fit to be interviewed?
  - Are you alert to potential vulnerabilities of the child or young person, such as human trafficking and mental health concerns?
  - Have you given the child or young person the opportunity to explain any inconsistencies, misunderstandings and/or gaps in their account?
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### Introduction

Most children and young people who are age assessed will be new arrivals in the UK, who may have experienced a long and frightening journey. They may be fleeing persecution in their country of origin and they may have been victims of torture or trauma. When conducting an age assessment, it is essential for you to be sensitive to the past experiences of children and young people, to display empathy and build rapport. Adopting a sensitive approach to the interview process will allow you to gather more detailed information from children and young people, and thus complete a full and comprehensive assessment of age.

Children and young people who are age assessed are unlikely to be familiar with the role of a social worker. They may also not understand why their age is being assessed, and they may have had previous negative experiences with adults in positions of power or those who worked for government organisations. Children and young people may provide inconsistent information about their life unrelated to their age (such as their reason for seeking asylum or their journey to the UK) in order to protect themselves, their families or for other reasons; this, however, does not necessarily mean they are an adult. As social workers conducting age assessments, you should be aware of possible indicators of human trafficking, and take appropriate action to safeguard a child or young person if this is identified during the interviews. It is also important to remember that the age assessment process is separate from determining an asylum claim; it is not the role of the social worker to determine a child or young person's immigration status.

## **Explaining the purpose of the interview and different roles**

Some children may struggle to understand exactly what is happening at this stage, but it is your responsibility to do your best to explain what is going on, the purpose of the age assessment interview, the difference between the Home Office and Children's Services and the possible outcomes of the age assessment.

### **Sample explanation of role:**

Below is an example of what you might say when explaining the interview process to a child/ young person. You should personalise this for each interview you conduct, taking into account the individual's perceived level of understanding.

*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.*

### **Appropriate adults**

A child or young person undergoing an age assessment must have the opportunity to have an appropriate adult present with them during the interviews. It is important that the role of the appropriate adult is 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 young person requests a change).

An appropriate adult should be independent of the local authority. (See appendix.) Their role is to ensure the child or 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 child or young person to clarify questions posed by social workers, but cannot coach or answer questions on behalf of the child or 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 child or young person's request.

## **Interpreters**

You should check thoroughly that the interpreter speaks the correct language and dialect and that the child/young person and the interpreter understand one another properly. You should make it clear that the interpreter's role is to translate direct communications between social workers and the child/young person, not to provide advice to the child or young person or act on their behalf. You should ensure questions are asked slowly and precisely and in several different ways so there is no room for misunderstanding. The language used should be simple and sensitive.

The same interpreter should be used during the interviews unless there is a clear reason not to do so. An additional issue to consider is the gender of the assessing social workers, appropriate adult, and interpreters when discussing sensitive information, such as relationships or puberty. It is essential that interpreters and the child or young person understand the issue of confidentiality, and that information discussed in the age assessment will not be shared in the community. (See appendix for information about working with interpreters.)

## **Recording and Sharing information**

At the beginning of the interview, it is good practice to explain to the young person how the information provided in the interview will be recorded and how the findings of the assessment will be shared with the Home Office. The Home Office should be notified of the outcome of the age assessment in writing, with a summary of reasons for the outcome of the assessment. The child or young person should also be given the outcome of the age assessment in writing, including information about how they may challenge the decision. If the child or 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. The Home Office should not be provided with the complete assessment, as per the Association of Directors of Children's Services (ADCS) / Home Office protocol. (to be confirmed with protocol which is still being drafted) The Model Information Sharing Proforma is a summary of the age assessment, and this should be provided to the Home Office. The Model Information Sharing Proforma is attached in the appendix.

The assessing social workers should have a clear plan about recording information. Records do not have to be verbatim, but should be sufficiently full to include all significant information. You should record whether and how the young person has indicated they understand the purpose of the assessment, the interpreter and the role of the appropriate adult. You should raise issues concerning accuracy or consistency as soon as possible so that clarification can be sought and noted by you and the appropriate adult.

## **Timeliness**



The issue of determining age can cause children and young people anxiety and stress, and can impact on their ability to access services including education. It is important that the age assessment is conducted in a timely manner and the decision provided to the child or young person as soon as possible. It is good practice to have interviews on different days, in order for the assessing social workers to have time to reflect on the answers provided by the young person and to clarify any inconsistencies prior to making a decision. Most age assessments will be completed within 20 days, however the timescale for assessment should be responsive to the needs of the child or young person. In cases where you have clear reasons to believe that an individual is a child (or indeed an adult), then a decision may be made more quickly and the outcome shared in writing with the child or young person. (See appendix on timescales)

### **Questioning the child or young person**

You must take a child-friendly and sensitive approach, including checking that questions have been understood and offering breaks. The child or 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.<sup>13</sup> (See appendix) 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 child does not understand what kind of information is being sought due to cultural or linguistic differences. Building trust and developing rapport with the child or young person is also important to enable him or her to speak freely and provide a more detailed narrative to inform the assessment.

### **Other issues**

You must be alert to the potential vulnerabilities and possible exploitation, abuse, torture or trauma experienced by the child or young person. You should have a sound knowledge of child trafficking and exploitation risk factors, and must not hesitate to take appropriate safeguarding measures if the child or young person being age assessed is suspected to be a victim of trafficking. You also need to be sensitive to possible mental health issues, learning difficulties, gender differences, cultural differences or life experiences which may impact on a child or young person's ability or willingness to disclose personal information.

Information gathered during the age assessment process is highly relevant to assessing need. Assessors should keep this in mind in order to minimise any potential duplication of processes if a child or young person becomes 'looked after'.

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<sup>13</sup> A&WK Case 2009

## Chapter 5 - Making the Decision

### Checklist:

- Remember that age assessments cannot be concluded with absolute certainty as there is not any current method that can determine age with 100% accuracy. The only exception to this is if there is irrefutable documentary evidence, such as a clear history of birth, school records, or other documentation officially verified as valid and authentic.
  - Given the above, the benefit of the doubt should be granted to children and young people presenting as such. Particular care should be given with trafficking cases: EU Directive on Trafficking in Human Beings required a presumption in favour of the child until an age assessment is completed.<sup>14</sup>
  - If you are minded to disagree with a young person's claimed age, they must be given the opportunity to further discuss any factors that are leading you toward this opinion.
  - It is important to document each part of the process and the reasoning behind decisions and conclusions.
  - If new information arises or if your opinion changes as you get to know the young person better, social workers should review the assessment and consider if a further age assessment is needed.
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### Benefit of the doubt

If you have any doubt about whether a presenting individual is a child or an adult, the young person should be deemed a child. Conversely, it must be considered that an adult being given the benefit of the doubt as a child may be able to do harm to children, thus the placement is important and must be considered with care.<sup>15</sup> If you have assessed a young person as an adult, you should be willing and able to stand in court and give evidence that you do not have any doubt that the individual is an adult. If you cannot meet that threshold, the individual should be given the benefit of the doubt as a child.

You and your manager should consider:

- When age is uncertain, the starting point should be to give the benefit of the doubt.
- If there is something preventing you from applying the benefit of the doubt, what is this reason and has it been documented?
- Are there still doubts about the age after the assessment? Is the applicant still presumed to be a child? If not, why not?

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<sup>14</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:101:0001:0011:EN:PDF>

<sup>15</sup> Implications of being assessed as an adult can be found in the appendix. The authors recognise the challenge of finding appropriate accommodation in many areas, and do not underestimate the difficulty this presents.

- Have you documented the views of others involved? Is it clear why the outcome matches or does not match the views of others?
- If making a distinction between a year or two, you should be prepared to explain why the decision was taken to choose a particular age over what the young person has presented. For example, how does a 16 year old differ from a 15 year old?
- You should avoid making a decision being based purely on physical appearance and demeanour. However, this may be the only option if the individual is not providing any substantial information that can be used to assess age; if at all possible, this should not be the sole basis for determination. If this is the sole factor, then you as the social worker must feel confident that you have no doubt that the young person is an adult and be willing to state this in court if necessary. If there is doubt, the individual should be treated as a child.
- If you accept the individual as a child but do not agree with the age stated, the reason must be spelt out and justified.
- You must be able to reason and justify all decisions.

## **Analysis**

Once the interviews with the young person and relevant professionals have been completed and all other available information collated, you need to analyse the material holistically. As the information is pulled together, it can become easier to see themes and further lines of enquiry.

Many social workers find it helpful to start writing the information down on the age assessment template after each interview, to see what questions may still need to be asked in subsequent interviews, either with the young person or other professionals.

You should take some time to discuss your findings with your colleague who assisted in the interviews. It will have been challenging to document everything said, and one of you may have noticed or remembered something that your colleague did not – either a comment or an emotional reaction. It will be useful to talk through overall impressions and specific details to make sure the best possible decision is made given the information available.

In analysing the information, you should consider:

- The statements of the young person
- Country of origin information
- The young person's individual history and experiences, particularly any traumatic events
- The young person's cultural background, education level, gender, maturity, developmental stage and behaviours
- The (appropriately weighted) views and opinions of other professionals (key workers or foster carers, educators, medical personnel, etc.) For example, how does this young

person compare to and interact with their peers? The other professionals should be aware that their opinions are being documented and may end up in the court arena.

- Documentation presented. Are you able to verify the documents through official channels that do not put the young person at risk? (As a general rule, contacting embassies is not a safe or appropriate option.)
- Weight given to each piece of information collected. Not all information needs to be given the same weight, and the evidence will need to be considered on a case by case basis. For example, the views of a key worker who has significant experience working with adolescents from abroad and has worked with the young person daily may carry more weight than the views of a tutor who has one session with the young person and is unfamiliar with individuals from the particular region.

### **Inconsistencies/ Gaps/ Information Provided**

It is very important that young people are given the opportunity to address any gaps, inconsistencies or misunderstandings that you may find, so further interviews may need to be scheduled.

You need to bear in mind developmental stages as well as the impact of trauma. Gaps, inconsistencies or lack of information do not always mean that a young person is not being truthful, and this should not be the starting point. Inquisitiveness about finding the right age is better for the young person than trying to “catch” someone in a lie. Consider also that many young people have been told by their families, smugglers or traffickers to tell particular stories about their journeys and/or histories in order to protect others, and this is not necessarily indicative of their age. Young people will also often not know yet who to trust, so may not reveal their entire situation at the age assessment stage. Note that this is not dissimilar to indigenous young people who are coming into care and may not be clear who to trust.

### **Final Decision**

Before finalising a decision that differs from the claimed age, you should discuss with the young person the factors which have led you to form this opinion. If the young person has anything to add, this should be considered as part of the assessment before the final decision is made. Once all that information is compiled, you should detail the factors that lead you to your conclusion.

## Chapter 6 – Conclusions and sharing results

### Checklist:

- The conclusion should not be made until all information has been gathered and analysed.
  - Reasons for the conclusion should be clearly documented in the written report.
  - Young people should be given the outcome promptly and with support.
  - Young people should be fully informed of their options and what happens next
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### Conclusions

Only after a full analysis has been conducted, considering all the available information, should a conclusion be made. The conclusion should contain a detailed and holistic analysis of the information, and explanation for why the decision was made. In cases where the claimed age has not been accepted, it will be particularly important to explain why and what information led to that conclusion. All of this information should be contained in the written report.

### Sharing Results

Some general principles for sharing the results of an age assessment are as follows:

- A person being age assessed should be informed of the conclusion, face-to-face, at the earliest possible opportunity.
- An interpreter of the appropriate dialect should be used to ensure clarity in delivering the decision.
- The young person should be invited to have an appropriate adult present at the meeting.
- The 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 results should be put in writing and given to the young person (even if accepting the claimed age of the young person). The letter should include information that the child/young person may be able to challenge the decision with the help of a solicitor.
- You should keep all hand written notes, and write up the outcome of the assessment regardless of the conclusion (even if accepting the claimed age).<sup>16</sup>

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<sup>16</sup> For storage purposes, it should be noted that clear scans of handwritten notes have been accepted by the courts.

- It is recommended that the young person sign acknowledgement (though not necessarily acceptance) of receiving the conclusion of the age assessment.
- The young person should be offered a full copy of the age assessment. This should be done within a reasonable amount of time upon completion of the assessment. See appendix (on timings).
- The assessment belongs to the young person, so the young person should be the person to share the results with whomsoever they wish. If the child or 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. You should confirm that the Home Office is treating the young person at the assessed age. The Home Office should only be given documentation if they require confirmation of a lawful assessment. The Home Office should not be provided with the complete assessment, as per the Association of Directors of Children's Services (ADCS) / Home Office agreement. (confirm with protocol) The Model Information Sharing Proforma is a summary of the age assessment, and this should be provided to the Home Office. The Model Information Sharing Proforma is attached in the appendix. A 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.

## Chapter 7 - What happens next?

### Checklist:

- If the young person is assessed to be a child, ensure all appropriate looked after children procedures are undertaken.
  - If a young person is assessed to be an adult, you should arrange an appropriate transition to adult asylum services.
  - Remember that age is a crucial factor of identity for children and young people.
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Whatever your decision, it must be clearly communicated to the young person in a way which they can understand, even if they do not agree with the decision. (See previous chapter on sharing the decision.)

If you have assessed the young person to be their claimed age, then their care and support under Section 20 should continue; see 'Statutory guidance for local authorities on the care of unaccompanied asylum seeking and trafficked children, July 2014'.<sup>17</sup>

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 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.

If you have assessed the young person to be an adult then you should arrange their safe transition to adult support, usually through Home Office Asylum Support. (See chapter on accommodation.)

If the Home Office has disputed the young person's age, then they will need to know your decision promptly. This should be shared through the agreed 'Model Information Sharing Pro Forma – Outcome of Age Assessment' which can be found on the Association of Directors of Social Services website at <http://www.adcs.org.uk/goodpractice/ageassessment.html>. The Home Office should not be provided with the complete assessment, as per the Association of Directors of Children's Services (ADCS) / Home Office protocol. (confirm with protocol) It is very important that the Home Office know what age you have assessed the young person to be. In almost all circumstances the Home Office will accept your decision on age and your decision is likely to have very serious consequences on the young person's immigration status.

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[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/330787/Care\\_of\\_unaccompanied\\_and\\_trafficked\\_children.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/330787/Care_of_unaccompanied_and_trafficked_children.pdf)

Age assessment is a difficult process for the young person and for those undertaking it, and should only be undertaken when there is significant reason to do so. However, there will be occasions when a further assessment is undertaken. Other than on those occasions when indisputable information is available, an assessment will not allow the assessing social workers to know the age of a young person and will only allow them to come to a balanced and reasonable conclusion based on the information to hand. Other information may come to light at a later stage, for example, in the form of documentation or because professionals get to know the young person over time and this leads them to believe that the assessed age is wrong. Where you believe that a significantly different conclusion might be reached and that the young person may be significantly older or younger than initially assessed, then a new assessment should be undertaken. This does not have to involve further questioning; for example, where new documentation has been provided which can be relied upon, then a decision on age can be made on that basis. As above, any new decision and the reasons for it must be clearly communicated with the young person, and if they are to remain in your service, then thought must be given to rebuilding trust and confidence.

All relevant paperwork including notes made during an assessment and other correspondence must be retained on the young person's file. Even if the young person does not wish to challenge your decision, the information gathered for these purposes forms an important part of the young person's file and should be available to them. If a young person challenges your decision on age, then your authority may be required to share all relevant information with the young person and their solicitor, and may be required to go to court to explain your decision.



## Conclusion

## **Appendix – by 9<sup>th</sup> December Meeting**

Accommodation

- Adult
- Specialist placements

Additional Needs and vulnerabilities

ADCS Age Assessment Information Sharing Consent Form

Age assessment pro forma

Age Assessment training

Appropriate Adults

Confidentiality

Country of Origin reports

Cultural indicators/culturally relevant behaviours

Detention

Hillingdon and Croydon Guidelines

Implications of being assessed as an adult

Interpreters

Legislation and case law

Memory – effect of trauma on memory

Minimal Age Assessment

Model Information Sharing Proforma

Social work attitudes toward migrant children (Ravi Koli's article)

Timescales

Trafficking