



Home Office

# Age Assessment Factsheet

For local authorities and Strategic Migration Partnerships

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# Background

This factsheet provides information on the Home Office's approach to age assessment for local authorities and Strategic Migration Partnerships (SMPs).

The Home Office needs to ensure that we accurately record the ages of young people arriving in the UK and claiming asylum. Often, we do not have access to documentary evidence (passport or birth certificates). This is important because of the safeguarding risks created both by people aged 18 or over being treated as children and of those under 18 being treated as adults. It ensures that our resources are focussed on providing the right care to the right people.

We recognise the challenges faced by local authorities conducting age assessments and are committed to seeking improvements, to current processes.

We understand that age assessments demand a significant amount of local authorities' time and resources and that even when completed, assessments can be subject to significant and costly legal challenge.

We are committed to looking at how we can better support local authorities to achieve swift and sustainable assessment outcomes.

# Questions and Answers

## What is the Home Office's approach to age assessment?

There is no single assessment technique, or combination of techniques, currently available that is likely to determine age with precision. However, the Government's approach to age-disputed cases seeks to strike the sensitive balance between ensuring that children are supported, whilst maintaining the integrity of the asylum system and preventing adults passing themselves off as children.

Where credible and clear documentary evidence of age is not available and someone's claim to be a child is doubted, it is the Home Office's policy to only treat a claimant as an adult without undertaking further steps to assess their age if two officers (one of at least Chief Immigration Officer grade) have separately determined that the person's physical appearance and demeanour very strongly suggests that they are significantly over the age of 18 years.

The Home Office will treat the claimant as an adult if their physical appearance and demeanour very strongly suggests they are significantly over 18 years of age and there is little or no supporting evidence for their claimed age.

If doubt remains about whether the person is an adult or a child, they will be referred to a local authority for further consideration of their age (which usually entails a more comprehensive age assessment) and treated as a child until further assessment of their age has been completed. Even if the Home Office has assessed a claimant to be an adult it is still open to the claimant to approach their local authority for an age assessment.

## Is there published guidance?

Yes, guidance for Home Office staff on how to deal with individuals whose age is in doubt was updated in January 2022 and can be found here - [Assessing age asylum casework guidance \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/guidance)

## How can a local authority know if an individual has been age assessed by an Immigration Officer/Chief Immigration Officer?

An age assessment decision made by an Immigration official is usually set out in an IS.97M form. The IS.C97M is served on the claimant soon after a decision has been made on their age. The form records either that an individual who claims to be a child has been assessed to be an adult or has been given the benefit of the doubt and temporarily treated as a child while further assessment of their age is conducted. If a claimant is accepted to be a child, but of a different age than claimed, an IS.98M is issued instead.

## I am concerned about the CIO decision, what should I do?

Age assessments are made in line with Home Office Policy, but we are keen to identify where local authorities may reach a different decision and the reasons supporting this decision in order for us to explore whether there are learning points we can draw from your decisions. Where this occurs please email [NAIUAAFEEDBACK@homeoffice.gov.uk](mailto:NAIUAAFEEDBACK@homeoffice.gov.uk) including the completed Age Assessment Information Sharing Proforma as found here - [Assessing age asylum casework guidance \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

## **What action should local authorities take if an individual approaches their Children's Services claiming to be a child?**

If an individual, who has been assessed to be an adult by the Home Office approaches your local authority claiming to be a child, if your social worker believes that there is doubt that the individual is over 18 then we recommend that a full Merton age assessment is conducted. If you are concerned about your capacity to complete the assessments within a reasonable timeframe, we may be able to support your authority by providing support via the pilot National Age Assessment Team (see references below).

## **My local authority is experiencing individuals presenting as children who are in asylum contingency hotel accommodation, is the Home Office sending children to adult contingency hotels?**

No. Where there is doubt over whether a person claiming to be an unaccompanied child is a child or an adult, they will be given the benefit of the doubt by the Home Office and treated as a child until further consideration of their age has been undertaken. However, it is important to remember that an asylum seeker can claim to be a minor (or exhibit behaviours which call into question their age) at any stage of their asylum journey.

## **What role do accommodation providers play in this scenario?**

Accommodation providers have a contractual responsibility to safeguard the well-being of service users. Where there are significant concerns about an individual who has been previously assessed as an adult, the accommodation providers will report those concerns directly to the Home Office for support before referring to the local authority.

## **How is the Home Office supporting local authorities in the challenges of age assessment?**

In July 2021, the Home Office established a team of specialist social workers to support local authorities across the UK in a pilot scheme to conduct age assessments and provide guidance and support. This includes bringing expertise from local authorities with more experience of conducting age assessments into the pilot National Age Assessment Team. It is expected that this offer of support will remain in place until the establishment of the National Age Assessment Board (see page 6).

In addition to the funding contribution that the Home Office provides to local authorities supporting UASC, we have made a £3m funding for exceptional costs available to local authorities for 2021/22. This funding could be used, amongst other things, to support local authorities facing legal costs relating to age assessment challenges to ensure that findings can be appropriately defended. Further details, including the bidding process are set out in updated UASC funding instructions to local authorities (available at <https://www.gov.uk/government/publications/unaccompanied-asylum-seeking-children-uasc-grant-instructions>).

## **What support does the pilot National Age Assessment Team offer to local authorities?**

The Home Office team of specialist social workers is available to support local authorities across the UK in a pilot scheme to conduct age assessments and provide training, guidance and support. The team includes expert social workers from local authorities with experience in conducting age assessments.

## **How can a local authority access the additional age assessment support?**

Please contact [ageassessmentenquiries@homeoffice.gov.uk](mailto:ageassessmentenquiries@homeoffice.gov.uk) for further details and to access the additional age assessment support that is available.

## **The pilot National Age Assessment Team does not have capacity to support all local authorities that need it. What is the Home Office going to do about that?**

The support of the pilot team has been well received by local authorities and is in demand. As a result of the changes in Kent Intake Unit (KIU) we have been able to double the capacity of the pilot team enabling more social worker led assessments to be provided to local authorities. In addition, and to provide more support to local authorities, we can offer practice focused age assessment training, and the pilot team are able to provide general advice, guidance, and support to local authorities on any issues related to age assessments. We continue to develop our offer to local authorities and feedback regarding the pilot offer is welcome.

## **What was the role of social workers at Kent Intake Unit (KIU) between September 2020 and January 2022?**

During this time the Home Office contracted a team of social workers to work alongside Home Office officials in KIU. The social workers supported the age assessment process by undertaking reduced length age assessments where there was a referral by a KIU immigration official of someone who they thought was potentially clearly an adult, but their physical appearance and demeanour did not very strongly suggest that they were 25 or older.

As well as conducting age assessment the social workers supported KIU's safeguarding processes by providing safeguarding advice and assistance in cases where there were concerns over the welfare of a child. This helped to ensure that vulnerable children were identified at the earliest possible opportunity and helped to facilitate access to any safeguarding services to which they were entitled by virtue of their age and assessed needs.

### **Why has this changed?**

The arrangements at KIU were always intended to be a temporary measure to deal with the very difficult set of circumstances in Kent in Autumn 2020. The Home Office has recently been able to return to the 'significantly over 18' threshold, which was the established approach prior to a court ruling in May 2019. As a result, it has been decided that the best use of the Home Office social work resource is for some social workers to continue to support the KIU operation with safeguarding activity, this will include all vulnerable asylum seekers arriving into the UK at KIU, not just those claiming to be UASCs, and also supporting Immigration officials in making decisions on age (but not conducting age assessments themselves). The remaining social workers have joined the Pilot National Age Assessment Team (see page 6) to increase Merton compliant age assessment capacity supporting local authorities.

### **My local authority has requested a copy of the KIU social worker age assessment report, will we receive this?**

We are aware that there are a number of outstanding requests from local authorities for KIU social worker led age assessment written reports. Unfortunately, we will not be able to provide any reports which were completed prior to the KIU age assessment process ending on 14<sup>th</sup> January 2022. The social work age assessment function at KIU was a pilot to test new ways of working, we listened and responded to feedback from local authorities, and have evolved ways of working as a consequence. That is why more social worker resource has been deployed to the pilot National Age Assessment Team to support local authorities with full Merton age assessments.

### **What measures is the Home Office taking to reform this complex area?**

We fully recognise the challenges faced by local authorities conducting age assessments and are committed to seeking improvements to the way in which the age assessment process operates in consultation with stakeholders and partners. This includes introducing a number of measures within the Nationality and Borders Bill, which is expected to receive Royal Assent in March 2022, such as establishing an age assessment function in the Home Office, referred to as the National Age Assessment Board (NAAB), possible options to utilise scientific methods of age assessment and creating a statutory appeal right against age assessment decisions.

## **Why are you taking the measures on age assessment set out in the Nationality and Borders Bill?**

There are very serious safeguarding risks if people over 18 are treated as children and placed in settings with children. It also reduces the resources available to help genuine children. Similarly, there are serious safeguarding risks in treating children as adults. We need to strike the right balance between these risks and will therefore strengthen and clarify the framework for determining the age of asylum seekers.

## **What is the National Age Assessment Board and what will it achieve?**

The Home Office fully recognises the significant challenges faced by local authorities in conducting these assessments to the highest standards and the significant resources required to conduct them. To reduce the pressures on local authorities resulting from conducting these assessments and to achieve greater consistency, we are establishing a decision-making function in the Home Office, which will be referred to as the National Age Assessment Board.

The board will have responsibility for conducting age assessments by social workers on age disputed persons, upon referral from a local authority, although local authorities will still retain the right to conduct age assessments themselves if they prefer to do so.

As well as completing age assessments for local authorities who use our service, the intention is for the board to provide expertise and experience as a centre of excellence for age assessment, providing training, advice and support to local authorities who continue to complete their own age assessments.

## **What is the thinking around establishing the Right of Appeal, are we just creating more avenues for people to frustrate the process?**

The establishment of a statutory right of appeal will provide for a cheaper and swifter mechanism of dispute resolution for age assessments. This will protect local authorities from the financial burden associated with judicial review whilst maintaining access to justice for young people.

## **Scientific age assessment is a really contentious issue, what is the Government's position?**

Our reforms aim to make age assessments more consistent and robust from the outset. We will create a power to enable the Home Secretary to introduce secondary legislation specifying scientific techniques of age assessment, which would widen the breadth of evidence on which to base decisions. The Home Office is considering a range of methods as a means of providing additional scientific evidence in the age assessment process, but no decisions have been made. The results of a scientific age assessment will be used alongside any other relevant evidence (such as the results of a social worker age assessment) to provide a more informed estimate of age. Scientific methods

are already used by most countries in Europe including Norway, Germany and The Netherlands.