Age assessments in the North West
**Greater Manchester Immigration Aid Unit**
**December 2024**

**This information sheet is for local authorities and anyone working either with unaccompanied children seeking asylum or in Home Office asylum accommodation. It details the problems we are seeing for children who are age disputed and the processes that should be followed.**

Context

When unaccompanied children arrive in the UK to claim asylum, local authorities have a legal duty to look after them. Through the National Transfer Scheme (NTS) children are dispersed to local authorities across the country where they are looked after by children’s services. However, for hundreds of children, this process does not happen as it should. **Many children are told that they are adults** after a brief assessment by Home Office officials on arrival at the border. This is an “eyes-on” assessment, meaning it is based only on officials’ opinion of “physical appearance and demeanour”.

In January 2024, [research by Helen Bamber Foundation, Refugee Council and Humans for Rights Network](https://www.helenbamber.org/sites/default/files/2024-01/Forced%20Adulthood%20joint%20report%20on%20age%20disputes%20-%20January%202024.pdf) found that at least **1,300 refugee children were placed in unsupervised adult accommodation and detention** in an 18-month period (January 2022 to June 2023) after these assessments.

From our work with Greater Manchester local authorities we know that this has been a significant problem, particularly in areas where there is an adult Home Office asylum hotel. Local authorities tell us they are being asked to assess high numbers of young people who say they are children who have been wrongly placed in adult hotels.

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| **Other forms of age dispute**This information sheet is about processes and risks for children who are placed in adult accommodation after Home Office brief assessments. This is not the only way local authorities will come across young people whose ages are disputed. Sometimes the Home Office doubts a young person’s age on arrival but does not make a decision on their age, so they are transferred to a local authority through the NTS. The local authority is informed that their age is unclear and they may need to be age assessed. In this situation, the local authority is not required to carry out a full age assessment, but if they determine that the young person is a child they should inform the Home Office immediately. Otherwise, the flagged age dispute will delay the child’s asylum claim. |

Impact

Children being placed in adult accommodation is a major safeguarding risk.

* Evidence shows there is a greatly increased **risk of harm**, including assault, self-harm and [suicide](https://www.theguardian.com/uk-news/2024/nov/12/afghan-asylum-seeker-died-in-m1-crash-after-social-worker-did-not-believe-he-was-a-child), children [going missing](https://www.theguardian.com/global-development/article/2024/jul/17/children-missing-from-home-office-hotels-likely-to-have-been-trafficked-report-finds), and [being exploited](https://www.theguardian.com/uk-news/2024/jan/22/flawed-age-assessments-put-hundreds-of-uk-child-refugees-at-risk-report-finds-home-office) when living in hotels.
* When being treated as adults, children do not access the **support and services** they need and are entitled to. This makes them more vulnerable to grooming tactics used by those planning to exploit them.
* Because children treated as adults are unable to access services designed for them, like CAMHS, health and voluntary services supporting adults in hotels are facing significant demand from children who have nowhere else to turn.
* Local authorities with hotels in their area are seeing an unpredictable increase in referrals for potential children in hotels, over and above their NTS requirements, and requests for age assessment. This is leading to **capacity issues**, and the risk of more hurried age assessments and worse outcomes for children.
* Local authorities have voiced concerns that the large number of children coming into their care through this route functions as a "back door" NTS. As well as the impact on capacity, when local authorities take a child into care from adult accommodation, they do not receive the funding they would if that child had arrived through the NTS (recently these payments have been as much as £15,000 per child).

Process

This is the process that should be followed when a young people in adult accommodation identifies themselves as a child.

1. **Referral**

The young person should be immediately referred to the local authority they are in by whoever they have spoken to. It should be treated as a safeguarding concern.
- If they are in a hotel there should be empty rooms so that possible children can be immediately moved out of shared rooms. Possible children should receive regular welfare checks.

1. **Urgent assessments**

- The local authority must go to the hotel to carry out an urgent assessment.

-This may take the form of a “brief enquiry”. If it is clear and obvious that the young person is a child, a brief enquiry is enough to take the child into local authority care without a prolonged assessment. The Home Office should be informed.

- In rare circumstances where it is very clear the person is significantly over 18, the local authority may determine the young person is an adult through a brief enquiry. They should tell the young person that they have the right to legally challenge this decision by judicial review within the next three months. Organisations supporting a young person should refer them to a public law solicitor urgently for legal advice.

1. **OR full assessment**
The local authority may carry out a full age assessment, also known as a “Merton compliant” assessment, instead of a brief enquiry. They must take the young person out of the hotel and accommodate and support them as a child in local authority care with an allocated social worker whilst the assessment is ongoing. During this period the young person will be entitled to all services and support available to children. The Home Office should be informed that the young person is undergoing an age assessment.

According to government [guidance](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/656429/UASC_Statutory_Guidance_2017.pdf), **full age assessments should only be carried out where there is significant reason to doubt that the claimant is a child**.

In the North West, we are hearing concerns that parts of this process are not always being followed correctly:

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| **What we are seeing** | **What should be happening** |
| Some local authorities only accept referrals from certain agencies for urgent assessments of possible children in adult accommodation. | Referrals can be made from any organisation or from the young person. |
| Serco and other staff in hotels are not always treating this as an urgent safeguarding issue, and/or telling the young person that the Home Office’s brief enquiry is final. | The Home Office’s brief enquiry is not a final decision. When a young person identifies themselves as a child they should always be urgently referred to the local authority. |
| Hotels not having sufficient unused rooms to safeguard children when they are identified, especially if there is a delay to the local authority assessment. | When a young person identifies themselves as a child, while they wait for the local authority to perform an urgent assessment they should not be in a shared room. |
| Local authorities not responding quickly to referrals concerning age disputes. | The local authority should respond in line with their standard response times to urgent safeguarding queries. This is usually within 24-48 hours. |
| Due to capacity issues, local authorities relying on brief enquiries when a full age assessment would be appropriate. | Brief enquiries should only be used to identify someone as an adult if it is very clear they are significantly over the age of 18. If there is any doubt a full age assessment should be carried out. |
| Age assessments taking a significantly long time (and therefore delaying asylum cases) because of a lack of age assessment-trained social workers. | Local authorities should ensure they are providing sufficient training in age assessments to social workers.  |
| A lack of appropriate communication from local authorities resulting in the young person being confused about what has happened to them and what their options are. | Whether determining a young person’s age through a brief enquiry or full assessment, local authority social workers should explain as clearly as possible what is happening and what it means for the young person. |

National Age Assessment Board (NAAB)

The National Age Assessment Board (NAAB) was set up as part of the Nationality and Borders Act (2022). It is part of the Home Office and employs social workers to conduct age assessments on the Home Office’s behalf.

The Home Office offers the NAAB’s services to local authorities as an alternative to a local authority-conducted age assessment. The Home Office also has the power to insist on a NAAB assessment if it disagrees with a local authority’s assessment of a young person’s age.

Referring young people for NAAB assessments may be appealing to local authorities where their capacity is pressed due to high numbers of potential children being identified in adult accommodation. However, based on the experiences with the NAAB in the North West, we do not advise the use of NAAB assessments.

**Concerns that have been raised about the NAAB:**

* Age assessments, if they need to be carried out, are best carried out by the local authority that knows the young person. The British Association of Social Workers (BASW) has warned against “attempts by the Home Office to centralise and take control of age assessments” (<https://basw.co.uk/articles/basw-welcomes-inspection-home-office-age-assessments>).
* The NAAB assessments can be very lengthy, with long days which young people have reported finding emotionally difficult. Young people tell us they feel scared of the assessing social workers.
* Where the local authority has invited the NAAB’s services, it makes it more difficult to challenge their decision, which the local authority may not agree with.
* We have seen instances where the local authority wishes to accept a child’s age but the Home Office insists on referral to the NAAB, slowing down the child’s asylum process.
* We have also seen instances where the local authority and NAAB opinion differ, leading to two possible ages for the young person.
* Because a local authority is more likely to refer to the NAAB when a) capacity is stretched and b) there has already been a Home Office brief enquiry, young people tell us they feel a two tier system has been created, whereby young people who arrive by boat are likely to have a longer and more difficult process to have their age believed than children arriving through other routes.

For these reasons we advise that local authorities:

* make efforts to carry out age assessments themselves (if one is necessary). Training is available from Immigration Social Work Services and the North West Regional Strategic Migration Partnership. (see below).
* dispute a Home Office brief enquiry or decision to instruct a NAAB assessment if they feel it is not the best thing for the potential child in their care. To do so, the local authority should provide as much evidence as possible on how they have determined their age, including responding to all the issues the Home Office raises as to why they wish to refer to the NAAB. (please see pro forma written by London local authorities, or contact us for further advice).

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| Benefit of the doubtLocal authorities should be applying the principle of benefit of the doubt when age assessing young people. Children may present as older when they arrive at the border due to long journeys, poor nutrition, disrupted sleep or having been exploited on their journey. They may have been given false documents that state an older age than they are or been coerced into stating the wrong age. The local authority can still apply the benefit of the doubt and accept their age when they meet them. **Local authorities do not need to carry out routine age assessments or age assess someone they believe to be a child.** Young people tell us that being subjected to an age assessment affects their trust for and relationships with the adults looking after them, and puts their lives on hold. When a child is placed in adult accommodation, some assessment of their age is necessary to right this wrong and get them the support they need. But a full age assessment is not always necessary. |

**GMIAU recommends:**

* That local and combined authorities use their power to raise these issues with the Home Office, who must address the root problem of poor age assessments at the border. This includes collecting data on how many Home Office age decisions have been overturned following local authority assessments. By working together and sharing experiences we can advocate with a shared voice.
* That the impact on children wrongly placed in asylum hotels is part of any conversation around planning for new Home Office asylum accommodation, with dots joined between children’s services and other statutory services. This includes keeping sufficient unused rooms in asylum hotels and training hotel staff on safeguarding duties.
* That local authorities have confidence that they are best placed to carry out age assessments (if they are deemed necessary), and push back against the Home Office’s use of NAAB assessments (see above) which are not in young people’s best interests. Age assessment training and resources are available.

**Contact** kathleen@gmiau.org**:**

* if you have questions about age **disputes with the Home Office,** about the need for NAAB assessments, and how to evidence local authority decisions.
* if you are seeing an increase in children arriving in your local authority through asylum hotels. We can offer **support and guidance**, as well as **joint advocacy** around this issue and its roots in the Home Office.
* for **enquiries about training** GMIAU provides for local authorities on supporting unaccompanied children, including through the age assessment process.

**Resources**

Young people supported by GMIAU have made a guide to the Six Things they want professionals to know about how they experience age assessments. Find the guide for social workers [on this page](https://gmiau.org/speaking-out/children/age-assessments/).

We recommend BASW’s statement on the NAAB: <https://basw.co.uk/articles/basw-uk-statement-national-age-assessment-board.>

Training on the age assessment process is available from the North West Regional Strategic Migration Partnership or [Immigration Social Work Services.](https://isws-ltd.co.uk/)

For further reading on age assessments, please see [this 2024 report](https://static1.squarespace.com/static/5f118f9dcfc9b3489f7bded0/t/66f54d309c7e254db5942630/1727352115355/Good%2BDecision-Making%2Bin%2BAge%2BAssessments_Report_September2024.pdf) by Young Roots, Immigration Social Work Services and Public Law Project.