

**Unaccompanied Asylum Seeking Children**

**REPORT OF:**

**AGENDA ITEM: 5**

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**Reason for this Report**

1. To provide information to the Corporate Parenting Panel on the services provided by Children's Services to unaccompanied children seeking asylum children.

**Background**

2. Children's Services has been providing services to unaccompanied children seeking asylum for almost 10 years. In this time the service area has developed competence and confidence in assessing and meeting the needs of this group of children including the age assessment process.
3. During this time the number of cases referred to Children's Services by the UK Border Agency increased but has now begun to decline.

**Issues**

4. At 1 April 2011 Children's Services was providing services to 94 children and young people who had come to Cardiff as unaccompanied asylum seeking children. Of these, 26 were children under the age of 18 who were looked after by the local authority. The remaining 68 were young adults who were formerly unaccompanied children and were either continuing to await the outcome of their asylum claim or removal from the UK by the UKBA. These young adults were formerly looked after by the local authority and are eligible for leaving care services.
5. Unaccompanied asylum seeking children looked after by Cardiff Council come from a number of countries, mainly from Afghanistan, followed by Iraq, Iran and Somalia.
6. Current practice in the UK is that age assessment of unaccompanied asylum seeking children is carried out by local authority social workers. The assessments take place within a framework that is supported by Children's Services guidance that has been developed from work undertaken on a UK basis to ensure that the assessments comply with expectations derived from legislation and court judgements. This is sometimes referred to as being

“Merton compliant” which relates to a court judgement handed down in a specific case. A copy of the guidance is attached at Appendix 1.

7. In carrying out the assessment social workers take account of all relevant available information, including the views of other agencies/professions involved with the child/young person. The outcome of the age assessment is sometimes disputed by the child/young person and resolved through legal proceedings.
8. In Cardiff most of the current group of children/young people seeking asylum or who are failed asylum seekers live in supported accommodation or their own independent living accommodation. At 1 April 2011 seven were placed in foster care. Placements in children’s homes are provided where the needs of the child/ indicate that this will be most appropriate way of meeting them.
9. The provision of Services to unaccompanied children is governed by the Children Act 1989, Children Act 2004, the Children Leaving Care Act 2000, Immigration Legislation and case law. Legal judgments in respect of individual cases have established/clarified the statutory duties and responsibilities of local authorities In respect of unaccompanied asylum seeking children. For example, *R (G) v Southwark [2009] UKHL* and *R (on the application of SO) v London Borough of Barking and Dagenham*.
10. The judgments clarified that local authorities are responsible for looking after unaccompanied children who are seeking asylum and that they have responsibility to provide accommodation and support to asylum seekers and failed asylum seekers who were formerly looked after children until the age of 21 or 24 if the young person is pursuing a programme of education or training. This changed the previous practice of referring young people over the age of 18 to the National Asylum Support Service (NASS) and established that children who become looked after on the basis that they are unaccompanied asylum seekers have the same eligibility for leaving care services as other looked after children .
11. Local Authorities can recover costs from the Home Office in respect of services they provide for unaccompanied asylum seeking children who are under the age of 18. The cost of services for young people over 18 is met by local authorities.
12. The number of unaccompanied asylum seeking children in Cardiff has been higher than in other parts of Wales and this has enabled the key agencies in the statutory, independent and voluntary sectors to develop knowledge and expertise in assessing and meeting their needs,
13. Currently fewer unaccompanied children are being referred to Children’s Services, more young people are failing to attain refugee status and removal of failed asylum seekers is happening more quickly.
14. Review and analysis of the changes in levels of need and service costs will inform Children’s Services business and budget planning for 2012/13.

15. Children's Services and UKBA are working together to develop a protocol to support staff of both agencies and promote understanding of their respective roles and responsibilities, effective communication and good practice in dealing with circumstances where UKBA are seeking to effect the removal of a young person from the UK. In cases where a young person's appeal rights in respect of their asylum claim are exhausted and they have not agreed to leave the UK voluntarily removal takes place on an involuntary basis and both agencies have to deal with what can be difficult and sometimes emotive circumstances.

## **RECOMMENDATIONS**

It is recommended that members note:

- the responsibility of the local authority to look after unaccompanied asylum seeking children and to provide leaving care services for them
- that the number of unaccompanied children being referred to Children's Services has declined
- that the removal from the UK of young people whose asylum claims have failed is being effected more quickly.

MARIA MICHAEL  
CHIEF CHILDREN'S SERVICES OFFICER  
July 2011

**CARDIFF COUNCIL  
CHILDREN'S SERVICES**

**GUIDANCE ON COMPLETION OF MERTON COMPLIANT AGE  
ASSESSMENTS**

**1. Background**

- 1.1. An age assessment must be undertaken following the referral of an asylum seeker to Children Services where the asylum seeker claims to be under the age of 18.

“Merton compliant” is a term used to describe a local authority age assessment that has been conducted in accordance with the case law on age assessments and is therefore fair and lawful. The term derives from the Merton judgement of 2003 which gives “guidance as to the requirements of a lawful assessment by a local authority of the age of a young asylum seeker claiming to be under the age of 18 years”.

- 1.2. This guidance must be read in conjunction with the Age Assessment exemplar.

**2. Scope**

- 2.1. This guidance is intended to cover all age assessments of asylum seekers who are referred to Children's Services and claim to be under the age of 18.

**3. Purpose**

- 3.1. The purpose of the age assessment is to ascertain if the asylum seeker is entitled to a service as a child and in particular the level and type of support that may be provided.

**4. General Requirements**

- 4.1. Social Workers conducting age assessments must have a clear understanding of the process and sufficient training to undertake age assessments.
- 4.2. Age assessments must be conducted by two Children's Services workers. This must include at least one qualified Social Worker who is experienced in conducting age assessments and a Social Work Assistant or Personal Advisor.
- 4.3. An interpreter must be present at every age assessment where the young person does not speak English, and must be able to speak and understand the same language as the young person.

#### 4.4. The assessing Social Worker must:

- Obtain confirmation that the interpreter and young person can understand each other before the age assessment starts.
- Explain to the young person that they are from Cardiff Children's Services and are independent of the Police and the Home Office. However, it must be explained that the information gained in the age assessment may be shared with the Home Office.
- Give the young person a clear explanation of the purpose of the assessment, in particular that the assessment is to determine their age.
- Acknowledge with the young person that they may have already had to answer many questions and that during this assessment they may be asked questions which they may find upsetting.
- Explain to the young person that if they wish to take a break at any time, they can ask and the assessment will be stopped.
- Ask the young person if they have any questions prior to the start of the assessment interview.
- Inform the young person that during the assessment notes will be taken in order to complete the full assessment and explain that following the assessment there may be a need to conduct a further interview to confirm details given.
- Inform the young person that once the assessment is completed, the assessing Social Worker will meet with the young person, an interpreter and an advocate, as appropriate to discuss the completed assessment.
- Inform the young person that they have the right to challenge the completed age assessment and that this is achieved through their legal representative.
- Explain to the young person about the Council's Complaints Procedure and how to access the procedure.

## 5. Trafficking and Sexual Exploitation

- 5.1. Social Workers conducting age assessments must be constantly mindful that the person they interview may be a victim of trafficking or sexual exploitation and as such every aspect of an age assessment will need to be considered in respect to possible indicators of trafficking or sexual exploitation.
- 5.2. Where a Social Worker suspects that a child may have been trafficked, they must refer the case to the Sexual Exploitation Panel. A full report will need to be presented to the Panel. Please refer to the Children

and Young People Abused Through Sexual Exploitation Protocol and Procedure (2.CH.415) for further information.

- 5.3. The National Referral Mechanism provides a framework centred on victim identification and referral to appropriate support. Social Workers must refer all suspected victims of trafficking to a Competent Authority. A multi-agency Competent Authority based in the UK Human Trafficking Centre (UKHTC) acts as a central point of contact for all agencies likely to encounter victims.
- 5.4. Referrals to the UKHTC must be approved by a Team Manager.
- 5.5. The Inter-Agency Standing Committee (IASC) Task Force defines sexual exploitation as any abuse of a position of vulnerability, differential power, or trust for sexual purposes; this includes profiting monetarily, socially, or politically from the sexual exploitation of another.

## **6. Specific Requirements**

### **6.1. Details of Referral and Reasons for Commencing the Assessment**

The Social Worker must review the information that has been provided by the referring agency. Information provided on the Referral Record and Initial Assessment must always be included in this section.

Age assessments begin with initial impressions, made from visual presentation. The Social Worker must form an initial hypothesis of age range based on height, facial features (e.g. facial hair, skin lines / folds etc.), voice tone, and general impression.

When forming an impression it is important to consider racial differences, e.g.:

- In some cultures boys have facial hair at an early age.
- Girls develop at different ages in different cultures.
- Life experiences and trauma may impact on the ageing process.

The Social Worker must take account of the young person's demeanour and how they present (e.g. their style, attitude and response to authority) and relate this to the culture of the country of origin and the events preceding the interview, journey and experiences etc.

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 incorporate this into the age calculation.

### **6.2. Physical Presentation and Demeanour**

The manner in which the young person interacts with the Social Worker conducting the assessment will provide an indication of whether or not

the young person is responding in an age appropriate manner.

The Social Worker must note both the verbal and non-verbal (body language) behaviour of the young person, and must observe factors such as the manner in which the person copes with the assessment, e.g.

- Whether the young person appears confident or overwhelmed.
- Whether the young person appears to take a “one down” position or not.
- Whether the young person appears to be uncomfortable with speaking to an adult.

The Social Worker must take account of differing cultural terms (e.g. some people may believe it impolite to make direct eye contact) and have an awareness of cultural variations in attitudes to elders.

The Social Worker must keep in mind that their position will be seen as one of power, which may influence the way the young person interacts. The role of the Social Worker must be clarified, as must the differences in the roles of Children’s Services and the Home Office.

### **6.3. Confirmation of Basic Details**

In this section the Social Worker must confirm with the young person their name, age, date of birth and place of birth. It is appropriate to ask the young person if they have any identity documents, which can clearly show name and date of birth. The Social Worker must also ask the young person if they have used another name or age on route to the UK.

### **6.4. Reasons for Leaving Country of Origin / Journey Details**

The young person may have a number of reasons for leaving their country. This information can assist the Social Worker to obtain information that may highlight the possibility that a child or young person may have been trafficked. The Social Worker must pay particular attention to the young person’s reasons for leaving their country and the route and time they have taken to reach the UK.

Any further information obtained following the assessment that raises concern in respect to any young person will need to be considered with regard to trafficking issues and the appropriate agencies will need to be contacted.

Details of the young person’s journey can also indicate the length of time it has taken to reach the UK, which may assist in determining the young person’s claimed age (e.g. “I was 15 when I left my country, the journey took 14 months.” “How old are you today?” “I am 15.”).

## 6.5. Social History and Family Composition

The Social Worker must establish a family tree that is as detailed as possible to assist identification of the likely age of the person compared with the stated age.

The Social Worker must establish the ages of parents, siblings and extended family. In the case of deceased family members, the year and age at the time of death should be recorded. Drawing a graphic family tree with names of family members and ages included can help the young person to be more accurate whilst also allowing the young person to feel involved. The information gained may indicate discrepancies or impossibilities, which the Social Worker must clarify.

The Social Worker must indicate to the young person awareness that talking about their family may be very painful and difficult for them. For some young people 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 the young person's parent and sibling relationships as some cultures for example, call a half-brother their brother, or step-mother their mother.

The Social Worker must also ask if either parent had more than one wife / husband.

## 6.6. Developmental Considerations

Questions about the types of activities and roles that the young person was involved in prior to arriving in the UK can often give an indication of age. The Social Worker must use open ended questions to allow for the person to disclose information without prompting.

The Social Worker must take cultural considerations into account, e.g.

- In some cultures it could be normal for a young teenager to be working full time.
- A young person may appear to answer a question about alcohol in a shy manner because their religion does not allow for this.

The Social Worker must ask questions that will give an idea of age appropriate interests and activities, such as "tell me what you did in your spare time". Answers must be related to what would be appropriate in the young person's country of origin and culture.

The Social Worker must ask about peer relationships at school, work and in the neighbourhood.

The Social Worker must ask questions about age related rituals, including forced marriage and any sexual relationships.

The Social Worker must consider whether what the young person is

describing seems age appropriate.

The Social Worker must be aware that some young people may have been involved in armed conflict, been child soldiers, been 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 for the young person until a relationship of trust has been established.

The Social Worker should consider arranging for the young person to be involved in social situations with other young people of the age stated, and observing how the young person interacts and is accepted.

### **6.7. Education / Employment**

The Social Worker must obtain a detailed account of the person's educational history as this is a valuable source of information in the age assessment process. Important facts that need to be gained include:

- Age when the young person started school.
- Number of completed years spent in any school.
- Any gaps in education and if so, how long were the gap/s and why.
- Names and addresses of schools attended.
- Subjects studied.

Adding the number of years of school attendance to the age when the young person started school, and including any disruptions in schooling should equate to the young person's stated age.

Gaining knowledge or consulting with experts educated in different countries is useful to assist the Social Worker to validate the authenticity of the information provided. 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.

It may be possible for the Social Worker to contact schools in some countries of origin.

### **6.8. 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 Social Worker should consider asking the young person directly how they feel about living in an independent setting and observing their reaction.

The Social Worker must determine if the young person lived at home or if they have lived on their own or in an independent setting.

Other issues for the Social Worker to consider include:

- Whether there is a clear impression that the young person has never lived away from home and has been cared for by adults.
- Whether the young person has experience in managing money, paying bills, arranging appointments, buying food and other supplies etc.
- Whether the young person is able to cook more than just a basic meal.
- Whether the young person has stated a preference during the assessment of how they wish to live in the UK.

The Social Worker must take account of the local situation from which the young 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.

The Social Worker must consider whether the young person would be at risk living independently. If so, reasons must be recorded.

The Social Worker may wish to pose a scenario to the person at this point or at the end of the assessment - that if the 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.

### **6.9. Health and Medical Assessment**

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

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

Questions around on going medical treatment or treatment the young person has had in their country may provide valuable information.

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 must never be used. However, opinions and views on age from a paediatrician, GP, dentist and optician can be very helpful in assisting in the process.

### **6.10. Information from Documentation and Other Sources**

Available documentation must always be carefully checked. However authenticating documents 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, panel advisors, doctors, solicitors, interpreters and other young people.

Observations of how the person interacts in different social situations can provide useful age indicators.

#### **6.11. Analysis and Conclusions**

The Social Worker must draw together the information obtained, and present their views and judgement on the age of the young person being assessed, giving clear reasons for the conclusion. If this differs from the stated age, clear reasons for this disagreement should be given.

This process is not an exact science and conclusions should always give the benefit of doubt.

#### **6.12. Views of the young person**

The views of the young person must be added to the assessment once the age assessment is completed. The age assessment must not be shared with other agencies until the young person has had the opportunity to share their views. It is important that the views / concerns or issues are recorded on the assessment and shared with the young person's advocate and the Asylum Team Manager.

### **7. Recording**

Following each age assessment the Social Worker must prepare a written report of the assessment using the Age Assessment exemplar on CareFirst within 35 working days of the date the Initial Assessment was authorised. The start date of the exemplar must be the date that the age assessment was started. This replaces all previous methods of recording age assessments.

An activity must be triggered to a manager from within the Age Assessment exemplar to notify that the assessment has been completed and to prompt the manager to authorise the exemplar. All age assessment exemplars must be authorised by a manager.

### **8. Review of the Guidance**

The Guidance on Completion of a Merton Compliant Age Assessment will be monitored and reviewed annually to determine its effectiveness and appropriateness. The next review is due by 1<sup>st</sup> November 2011.

ZX11. Age Assessment (Version 2) 08/07/2011

Baby Test Test Client P500350

Questionnaire

Core Details

1.1.1: Please name the other worker who contributed to this assessment

Show in report?

1.1.2: Nationality

Show in report?

Start Date	End Date	Category	Notes
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1.1.3: First Language

Show in report?

Start Date	End Date	Category	Notes
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1.1.4: Ethnicity

Show in report?

Start Date	End Date	Category	Notes
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1.1.5: Religion

Show in report?

Start Date	End Date	Category	Notes
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1.1.6: Immigration status

Show in report?

Start Date	End Date	Category	Notes
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1.1.7: Home Office Registration Number

Show in report?

Number:

Start Date:

End Date:

1.1.8: Port Authority Reference Number

Show in report?

Number:

Start Date:

End Date:

1.1.9: Claimed Age

Show in report?

Details of Referral and Reasons for Commencing Assessment

2.1.1: Reasons for commencing age assessment and information gathered from referral

Show in report?

2.1.2: Interviews with Service User

Show in report?

Please note that activities must be added as Class: Interview/Visit Type : Interview Service User

Assigned To	Status	Status Date	Requested Date	Required by Date	Child Seen	Child Alone	Pr
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Physical Presentation and Demeanour

3.1.1: Please describe the young persons personal appearance/demeanour

Show in report?

3.1.2: Interaction of person during assessment

Show in report?

Confirmation of Basic Details

4.1.1: What is the young persons stated name?

Show in report?

4.1.2: Has the young person used any other name(s)?

Show in report?

N/A

4.1.3: If "Yes" please record the names they have used

Show in report?

This will backfill into CareFirst under Person Details

Title	First Name	Surname
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4.1.4: What is the young persons stated age?

Show in report?

4.1.5: What is the young persons stated date of birth?

Show in report?

4.1.6: How does the young person know their date of birth?

Show in report?

4.1.7: Has the young person used any other date(s) of birth?

Show in report?

N/A

4.1.8: If "Yes" what other dates of birth have they used?

Show in report?

4.1.9: What is the young persons stated place of birth?

Show in report?

Please include as much detail as possible, including country, region, city, town, village etc.

4.1.10: Does the young person have any identification documents?

Show in report?

N/A

4.1.11: If "Yes" what are they?

Show in report?

4.1.12: How long has the young person been in the UK?

Show in report?

4.1.13: How long has the young person been in their current accommodation?

Show in report?

4.1.14: How many moves has the young person had in the UK?

Show in report?

Reason for Leaving Country of Origin/Journey Details

5.1.1: Please confirm with the young person their reason for leaving their country.

Show in report?

5.1.2: Contd/....

Show in report?

5.1.3: Please confirm with the young person the details of their journey to the UK

Show in report?

5.1.4: Contd/....

Show in report?

5.1.5: Is there suspicion of forced marriage?

Show in report?

If Yes, please assign this trigger to your Team/Service Manager

N/A

5.1.6: If "Yes", please detail

Show in report?

5.1.7: Is there suspicion of female genital mutilation?

Show in report?

If "Yes", please assign this trigger to your Team/Service Manager

N/A

5.1.8: If "Yes", please detail

Show in report?

5.1.9: If there suspicion of sexual exploitation?

Show in report?

If "Yes", please assign this trigger to your Team/Service Manager

N/A

5.1.10: If "Yes", please detail

Show in report?

5.1.11: Is there suspicion of trafficking?

Show in report?

If "Yes", please assign this trigger to your Team/Service Manager

N/A

5.1.12: If "Yes", please detail

Show in report?

5.1.13: If "Yes", is a referral to the UK Human Trafficking Centre required?

Show in report?

N/A

5.1.14: Is there suspicion of honour codified behaviour?

Show in report?

If "Yes", please assign this trigger to your Team/Service Manager

N/A

5.1.15: If "Yes", please detail

Show in report?

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#### Interaction of Person During Assessment

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6.1.1: Interaction of person during assessment

Show in report?

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#### Social History and Family Composition

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7.1.1: Please note all known family members and their relationship to the young person.

Show in report?

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**Developmental Considerations**

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8.1.1: Please describe the young persons level of development

Show in report?

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**Education/Employment**

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9.1.1: Name of school attended by young person

Show in report?

9.1.2: Date when young person started school

Show in report?

9.1.3: Age when young person started school

Show in report?

9.1.4: Date young person finished school

Show in report?

9.1.5: Age when young person finished school

Show in report?

9.1.6: Subjects studied by the young person at school

Show in report?

9.1.7: Qualifications achieved by young person

Show in report?

9.1.8: Any additional information

Show in report?

Independent/Self Care Skills

10.1.1: Please describe the young person/s independent living/self care skills

Show in report?

Health and Medical Assessment

11.1.1: Does the young person currently have a medical condition(s)?

Show in report?

N/A

11.1.2: If "Yes", please note the treatment required

Show in report?

11.1.3: Has the young person had a medical condition(s) in the past?

Show in report?

N/A

11.1.4: If "Yes" what treatment did they have?

Show in report?

11.1.5: Has the young person had a medical assessment in the UK?

Show in report?

N/A

11.1.6: If "Yes" when and where?

Show in report?

Information from Documentation and Other Sources

12.1.1: Please record information from other agencies/sources and name the source.

Show in report?

Analysis

13.1.1: Analysis of information

Show in report?

Conclusions

14.1.1: Conclusions

Show in report?

Views of Young Person

15.1.1: Views of Young Person

Show in report?

15.1.2: Has this assessment been shared with the young person?

Show in report?

N/A

15.1.3: If "No" why not?

Show in report?

Outcome

16.1.1: What is the assessed age?

Show in report?

If the young person has been assessed as aged 15 or under, please trigger this activity to your Team/Service a LAC placement.

Managers Authorisation Required

17.1.1: Is this report ready for a manager to authorise? **(Required)**

Show in report?

Please assign this activity to the manager who will authorise the assessment. You must click on "finish and save" and put your number in the completed by box.

N/A

**Assessment Completion and Authorisation**

Share Data?:

Details:

End Date:

Priority:

Outcome:

End of Community Care Process?

SDS Assessment:

Completed By:

Authorised By:

Auth Date/Time:

Completed Date/Time:

Complete?

Authorisation Comment:

\*\*\*This assessment is marked as needing authorisation\*\*\*