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BASW is the Professional Association for Social Workers in the United Kingdom. We seek to promote best practice in social work and to secure the well-being of social workers.

BASW is frequently asked to explain the position of the social work profession on current issues. These position statements seek to explain positions that we express on issues that arise frequently. They comprise statements in bold and commentary in italics. The commentary seeks to reflect our Code of Ethics, the views of our members expressed through our democratic structures, and our understanding of social work internationally as a practice-based profession and an academic discipline.

This position statement is about a process whereby individuals whose date of birth is unknown, for reasons usually linked to a precarious immigration status, are assigned a date of birth with consequences for their legal rights and their access to social services. It is also about the role of social workers within that process. The assignment of an age (sometimes called 'Age Assessment') has legal consequences which we have chosen to reflect in the term 'Age Determination', but the process is in fact only an approximation.

### **1. It is necessary to determine the age of individuals whose age is unknown and whose rights depends on their age being known.**

**Commentary:** *Article 1 of the UN Convention on the Rights of the Child asserts “For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier”. Human rights are central to social work (IFSW Definition of Social Work). Specifically, we uphold the Universal Declaration of Human Rights and associated UN declarations (BASW Code of Ethics at 2.1). Article 1 of the UN Convention on the Rights of the Child clearly affirms the tie between rights and age, in particular the age of majority, and the general principle that ties rights to age is universally accepted. Moreover, in nations such as the United Kingdom with an established welfare state and associated rights and responsibilities, a person's exact age, including when they reach the age of majority, is frequently relevant. BASW accepts the need to make determinations of age for the purposes of establishing legal rights. Many of those who are “age assessed” are unaccompanied asylum seeking children, and it is frequently in issue whether they have reached the age of 18. This position statement makes particular reference to this scenario but applies to other situations involving age determinations also.*

## **2. Age cannot be determined accurately**

**Commentary:** *Any determination of a person's age is no more than a best guess. It is not possible to determine a person's age accurately by medical examination. In 2007, the Royal College of Paediatrics and Child Health acknowledged the margin of error can sometimes be as much as five years either side, especially around the time of puberty. It is no more possible to determine age accurately by non-medical means. This position statement uses the word 'determination', which is intended to reflect the reaching of a decision that has legal consequences, rather than one that is factually accurate. "Social workers should work in a way that is honest, reliable and open, clearly explaining their roles, interventions and decisions and not seeking to deceive or manipulate people who use their services, their colleagues or employers." (BASW Code of Ethics at 2.3) This ethical requirement embraces a need to be transparent about the inaccuracy that is inherent in determining a person's age.*

## **3. Where there are doubts about whether a person is their claimed age, care should be taken in particular not to inappropriately categorise children as adults.**

**Commentary:** *While there are risks and harms potentially arising from wrong decisions determining age either too high or too low, there are good reasons to err in favour of not categorising children as adults. First, the UN Convention on the Rights of the Child which we seek to uphold asserts that "the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection..." Second, flowing from that, children in the United Kingdom do have legal rights and access to services which are diminished or lost on reaching majority. Third, the real risk that children are denied their legal rights, safeguards and care, is a more serious harm than that adults receive services to which they are not entitled. The concomitant risk that adults incorrectly categorised as children may pose does not justify erring in favour of an upward determination of an individual's age. The UNHCR affirms that in cases of doubt the benefit of the doubt should be given to individuals who may be children (UNHCR Guidelines on Child Asylum Claims, para 75).*

## **4. Determinations of age should be multidisciplinary**

**Commentary:** *Social workers should not be asked to undertake single agency age determinations. Greatest reliability is achieved by holistic assessments. "Social workers should reflect and critically evaluate their practice and be aware of their impact on others. Social workers should recognise the limits of their practice and seek advice or refer to another professional if necessary to ensure they work in a safe and effective manner." (BASW Code of Ethics, Ethical Principle 12) Given the combination of the inherent inaccuracy of determinations, the importance of the rights at stake, and the established*

*principle that best results are achieved by holistic assessment, this ethical principle supports multi-disciplinary determinations.*

## **5. Discrimination is a real risk when determining age, which must be avoided**

**Commentary:** *Determinations of age frequently take place in cross-cultural settings. Known uncertainties include wide variations in growth and onset of puberty, while young people may look and act older than they are because of their experience, and in any event “in Western Societies, leaving the parental home is usually seen as a sign of the transition to adulthood” (UNHCR 2014 at page 57). These are among the factors that may make inadvertent discrimination more probable. “Social workers have a responsibility to challenge discrimination on the basis of characteristics such as ability, age, culture, gender or sex, marital status, socio-economic status, political opinions, skin colour, racial or other physical characteristics, sexual orientation or spiritual beliefs.” (BASW Code of Ethics at 2.2) While there is a risk that social workers may disbelieve service users, believing there to be an incentive to claim minority status, it should be recalled there is also a financial incentive for the State to assert majority status. Non-discrimination requires resisting that incentive also.*

**6. Social workers who take part in determinations of age are also responsible for ensuring that service users are helped to challenge the outcome of those determinations, and for raising awareness of oppressive and unfair practice.**

**Commentary:** *This statement reflects the requirements of the BASW Code of Ethics at (a) Ethical Principle 4: “Social workers should assist people to understand and exercise their rights including making complaints and other remedies”; and (b) 2.2: “Social workers have a duty to bring to the attention of their employers, policy makers, politicians and the general public situations where resources are inadequate or where distribution of resources, policies and practice are oppressive, unfair, harmful or illegal.”*

**Adopted by BASW Policy, Ethics and Human Rights Committee October 2015**

### **Further reading**

UNHCR (2004) [Separated Children in Europe Programme: Statement of Good Practice](#)

UNHCR (2009) [Guidelines on Child Asylum Claims](#)

UNHCR (2014) [The Heart of the Matter: Assessing Credibility When Children Apply for Asylum in the European Union](#)