



BASW response to the Age Assessment Guidance Document July 2015

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BASW is the UK professional association for social work, led by and accountable to a growing membership of over 18,000 social workers. Our members work in frontline, management, research and academic positions in all social work settings across the UK. BASW members share a collective commitment to those values and principles that will secure the best possible outcomes for children and young people, adults, families and communities.

BASW is aware of the work undertaken by the Oversight Strategic Group and the Task and Finish group pertaining to developing a protocol and guidance in this area. Despite requesting direct BASW representation on both or either group this was denied. However we were grateful that a representative from the former eventually agreed to meet with us at our request and shared the respective terms of reference of both groups. We very much supported the aims of the Oversight Strategic Group to look at past research, involve those who are leading in the field and develop a multi-agency approach. BASW is deeply disappointed and concerned that the works produced patently do not comply with the written objectives and terms of reference of the groups; what has been produced is blatantly a single agency approach to age assessment.

BASW submitted a detailed response to the draft guidance in December 2014 and BASW issued a draft Position Statement on Age Assessment in June 2015. Both are available on the BASW website

We would refer you to both these documents as they stand as the BASW position and sadly this further draft fails to address the fundamental concerns and objections raised in the BASW December 2014 response and Position Statement

General Comments on Age Assessment

1. 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 200 the Royal College of Pediatrics 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. Therefore as it is known to be impossible, it is unethical to put social workers in the position of being expected to determine age.
2. Social workers must not be asked to undertake single agency age determinations. '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.
3. Discrimination is a real risk when determining age, which must be avoided. Determinations of age 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).
4. 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.

Comments on the Age Assessment Guidance

1. As stated in our response to the earlier draft of this document, we consider this to be a very important consultation. It has huge implications for many of our members working with children, young people single adults and families in frontline services across the UK. BASW has offices in all four countries of the UK and we are still concerned that there is no evidence that sector colleagues and social workers in Wales, Scotland and Northern Ireland have any awareness of this document in spite it stating on the front page that it pertains to the UK.
2. BASW does not accept that this latest version of the document any more than earlier versions can be considered 'guidance' for social workers. It still attempts to outline what the tasks for social workers are in a flawed, unrealistic, prescriptive and totally unachievable ways and has many contradictory statements throughout.

3. The service users, children and young people who have undergone age assessment have patently not been involved in the work to produce this document. They are not mentioned in the contributors in the introduction and all the quotations from them indicate it had been a distressing and disturbing experience and clearly not in their best interests.
4. The document reads as if much is written without the knowledge or understanding of the work from a social work perspective, leading BASW to ask if the authors are either local authority experienced social work staff or social work academics. There is a confusion and lack of clarity in the guidance between the social work role and the work of partner professionals, in particular immigration application processes
5. Social work alone cannot make a holistic assessment by definition, this has to be multi professional and to expect this to be done on a single agency basis is wrong, flawed and unethical as outlined in the BASW Position Statement
6. This guidance is aimed to support social workers to make the best assessment of age possible. BASW would argue with the claim that this guidance is aimed to support social workers. Rather is based on a flawed premise and It is unethical to ask a social worker to do what cannot be done on a single agency basis.
7. This document speaks positively about social workers specialist skills in interviewing. But this does not mean specialist skills in assessing age. This cannot be part of the skills set, competencies of social workers and this is not part of the training and education of social workers. One of the reasons for this absence, among many, is that age cannot be assessed. There are many instances in the document where it states this cannot be done with any accuracy, including that the margin of error being 5 years, especially between ages 15-18 (the most common age range presented).
8. The Framework for the Assessment of Children in Need and their Families (Working together to safeguard children, March 2013, formerly the framework for assessment for children and families in need, 2000) has been the training and practice basis for social workers for many years. It has provided a systematic basis for collecting and analysing information to support professional judgements from a range of individuals about how to help children and families in the best interests of the child. It is absurd to think that all information can be obtained from the child or young person. It puts the social worker in the position of interrogator and is contradictory in achieving the best interests of the child or young person. In this single agency process the collection and analyses of the triangular procedures are worryingly absent.
9. The task of the task and finish group was to write multi agency guidelines. This is the only way of sharing the responsibility, task and pooling knowledge. In this document there are attempts to encourage others to contribute but the sole

responsibility has been left with social workers. It is unrealistic that with current attitudes, limited time and resources others will contribute to this impossible task.

Comments on specific statements for practical reasons and because the timescales for this response has been set as two weeks. Therefore this is a selection of many more questions and statements BASW would have submitted had time allowed.

Introduction

10. **Sometimes no other professional views will be available; though every young person accommodated under s20 of the Children Act should be expected to have a Looked after Children's medical. (page 4)** If the person is attributed an adult's age, there will be no looked after children processes so no looked after children medical. Also it is well documented that medical professionals have been instructed not to comment or give a view on age, so while a tiny few may be willing to do so the vast majority will not. There is no justification for it being imposed on social workers.
11. **The Guidance states 'When a number of agencies have been involved, a Professionals Meeting may help synthesise the social worker's views' (pages 4-5)** With the pressures on workloads and capacity in all sectors it is unrealistic to think that Local Authorities would have the capacity to call professionals to arrange a meeting to discuss this. Also with this single agency approach the vast majority of times the only people who will have spent much time with and had detailed discussions with the child or young person are the local authority staff. There are no funds to pay other professionals to assess and then attend meetings and without funding there will be no such work or regular meeting attendance. This part of the work is disingenuous to write and known to be unachievable. BASW is deeply concerned that such sections are included as they are known to be unachievable yet sets the social worker up to feel that these are the expectations.

Chapter 1

12. **Is it absolutely necessary to undertake this assessment? (Checklist, page 7)**
- Who makes the decision that the child is not the age claimed? Who has the final say? What if the social worker simply says I believe the child and there is no point trying to do what can't be done and the Home Office does not believe the child?
13. **There may be occasions where you do not feel that an age assessment is necessary but where the Home Office requests an assessment before it will treat the young person as a child in the immigration process. Where an age assessment is unavoidable, it may be possible to use information which you have already gathered, for example, as part of your Looked After Child (LAC) assessments, rather than conducting further in depth interviews**

which may cause unnecessary distress to the child or young person (pages 8-9) The vast majority of this work takes place at the beginning of the child's life in the UK when no information is known. The newly arrived children and young people are in the main frightened, exhausted and with little or no knowledge or experience of the UK. The notion that they can comprehend or differentiate between the multitude of roles of the adults they meet is totally unrealistic. There is an ingenious slippage in the statements that children should recognise that the purpose is different between a Home Office and a children services interview while other statements make it clear the home office can insist on it and that the information and decision will be shared with the home office, and that it can have far reaching effects for the child.

14. **It is not possible within the scope of this guidance to cover all aspects of cultural difference and misunderstanding; however, as a social worker you will recognise the complexity of identity and diversity and apply anti-discriminatory and anti-oppressive principles to your practice. You should be mindful of how cultural norms and individual experiences may shape communication styles and expectations, including gesture and body language, vocabulary, and understanding of what information and feelings can or should be shared with someone you have just met and who represents authority (page 14)** This guidance refers positively to identity, diversity, anti-discriminatory practice and anti-oppressive practice, yet is asking social workers to assess age on a superficial, generalised notion of others cultures. This is a clear and unethical contradiction of these principles.

Timescales

15. **In many cases the need for an age assessment will be identified when a young person is newly arrived in the UK. In such cases the local authority should aim to complete the assessment within 28 days, and where they are unable to do so, need to notify the Home Office of reasons for any delay within 28 days (page 55)** The issue of determining age can cause children and young people significant anxiety and stress, and also impact upon their ability to access services. Whilst it is important that an age assessment is conducted in a timely manner, it is also important that children and young people are able to participate to the best of their ability in the process, and the timing of the assessment needs to support this. **(page 55)** It recognises the potential trauma a child has experienced, yet sets a deadline of 28 days for the assessment. This time limit could not possibly allow the careful observation in different settings and the information gathering required from a range of professionals (as recommended in the guidance).

Conclusions

1. Training in children and family Social Work is about working with others, with families, parenting capacity, networks, contexts, cultures, economics, etc. The only time that the only information about a child is from that child in total isolation, is when a child is found abandoned. Even then one is almost sure of its country of birth. With separated children the processes designed for the assessment of the children, their families and the world the child inhabits in its entirety are being misused. This is in addition to a fully misguided and incorrect belief that the age of a person as distinct from their maturity can be “assessed”.
2. All aspects, and in depth gathering of information from all relevant and sometimes irrelevant sources noted throughout this work should be gathered from all sources, the family, the entire environment, ,culture economic, educational , medical and all relevant professionals. Any important decision regarding a child must be made, and can only be made after careful consideration by all the relevant professionals. Attributing a date of birth to a child or young person is serious decision, and it cannot and must not be taken by the social work profession alone.
3. The document talks about ethics but as stated in the BASW position statement, it is against the ethics of the profession to undertake a flawed process which is not in the best interests of the child and for which the social worker could not be qualified or trained as it is not possible to “assess age”
4. The overarching BASW position remains the same as previously stated, that sadly we do not support this to be a guidance document for social workers; it is single agency instruction, which is deeply flawed. Social workers should not undertake this task on a single agency basis. To attempt to do so is wrong and colludes with incorrect and bad practice.
5. BASW recognises that separated children and young people arriving in the UK with an uncertain age may need to have a DOB assigned in order to receive the correct and appropriate services. This work must be undertaken by a collective and collaborative multi professional approach and process and must not be the sole task and responsibly of social workers. BASW is deeply disappointed this opportunity has been missed and opposes this “guidance “as it fails to address this and has not produced works which meets its objectives and terms of reference.