

Age Assessment – consolidating processes and practices in conducting lawful age assessments in England.

The issue of age assessment in social work with asylum-seeking young people remains controversial and has been something that local authorities and their social workers in all parts of the UK have struggled with since the millennium. In 2003 the Merton Rules were set out by the High Court and further judgements have followed, which have informed and dictated the conduct of the age assessment process and practice. In a landmark judgement in 2009 the new Supreme Court ruled that the matter of age was a matter that must ultimately be decided by the court.

In 2005 the ADSS, as then was, and the Immigration and Nationality Directorate (now the Home Office) signed off a joint protocol. This had been borne out of the need of staff in busy London boroughs and port authorities to have some rules of understanding and process with immigration officers dealing with asylum cases in relation to age disputes. Also, it addressed the issue of young people moving around the country and between responsible authorities, including safeguarding implications.

Ten years later the ADCS is pleased to be able to announce revised Joint Working Guidance (JWG). This arose out of a shared recognition that the 2005 iteration had been superseded in many ways as result of experience, litigation and developing practice. This was assisted by the interest of MPs and peers on select committees, challenging local and national government to address this issue in a concerted way.

A strategic approach has been adopted to revisiting the age assessment issue and an ‘oversight group’ with clear terms of reference was established. This consisted of the ADCS as chair, representatives of local authorities, Home Office, Department for Education, Association of Chief Police Officers (ACPO), Royal Collage Paediatrics and Child Health NGO representatives from the Refugee Children Consortium (RCC) and the Office of the Children’s Commissioner for England and UNHCR. A tiered approach has been adopted in recognition of the complexity and it was decided to separate out practice matters for social workers in the form of distinct *practice* guidance, which will follow. This development reflects the long held view that more was needed to better support social workers in local authorities who undertake this critical task with young people and the impact it can have on their lives.

The JWG therefore limits itself to setting out the principles for the key partners: local authorities, either single or multiple, and Home Office staff dealing with decision making on asylum and detention. The ADCS is grateful to the Home Office representatives for the drafting of this protocol, which is the outcome of much focussed discussion over nearly two years.

The Guidance aims at establishing clear process and communication between LAs and with the Home Office and reducing the likelihood of disagreement, dispute and costly litigation.

In addition the *Information Sharing Proforma* has been further amended to reflect changes. This was designed in 2012 to expedite the communication of the outcome of an age assessment by the local authority to the Home Office. This will remain a key part of the updated arrangements. The consent form which is also currently on the ADCS website will *no longer* be used when the practice guidance is implemented.

The ADCS remains committed to a social care model, based on an holistic approach, making optimal use of health, educational and other available information. We are glad that the Home Office, having looked periodically at other ways of tackling this issue, has worked with ADCS and others to develop the Joint Working Guidance. It is worth mentioning that this approach, which is used across England and the rest of the UK, stands out in Europe and this is something that local authorities and their partners should take encouragement from .