

Acting as an appropriate adult at an age assessment

Unaccompanied children in the asylum system often have their age disputed by either the Home Office or a local authority. When a child attends an age assessment, they should have an 'appropriate adult' with them. For information about the age assessment process generally, see our fact sheet at www.coramchildrenslegalcentre.com/resources.

If you have any questions about age assessments you can call our Migrant Children's Project advice line on 0207 636 8505 or email mcp@coramclc.org.uk.

What is an 'appropriate adult'?

Where a child or other vulnerable person is to be interviewed, it is generally accepted that they should have the opportunity to have an appropriate adult present during the interview. The role of the appropriate adult was first set out in the context of criminal law and is defined in the Police and Criminal Evidence Act 1984 (PACE) guidance. This guidance specifically states that the appropriate adult is not simply an observer. [1]

In the age assessment context, the courts have found that a child should have the opportunity to have an appropriate adult present. [2]

The role of an appropriate adult

In an age assessment, the role of the appropriate adult is:

- To make sure that the child understands what is happening to them and why
- To support and advise the child, including asking for breaks if the child needs a break to consult with the appropriate adult, to seek legal advice from their legal representative, or if the child is tired, distressed or ill
- To observe whether the social workers are acting properly and fairly and to intervene if

they are not

- To assist with communication between the child and the social workers in a constructive and appropriate manner
- To ensure that the child understands their rights, including the right to seek legal advice before continuing further with the interview.

Who can act as an appropriate adult at an age assessment?

Any independent adult known to the child can act as an appropriate adult in the age assessment process. Some children will have an advocate, either provided through the local authority or through a voluntary sector organisation, who is likely to be a suitable person if the child is happy with them attending in this role. In some local authorities, the local authority provides an independent adult, but the child should have a choice if they are not happy with that person.

An appropriate adult must be independent of the local authority, have the relevant skills and training to undertake their role, and be experienced in working with children and young people. They need to be clear and confident about their role, have the skills to support the child or young person in the interview(s) and challenge social workers if they feel the interview is not being conducted appropriately. [3]

An appropriate adult should advocate on behalf of the child or young person, represent their best interests and ensure that the child or young person's welfare needs are met during the interview process.

What if a young person says they do not want an appropriate adult present?

Case law has held that the young person should have the opportunity to have an appropriate adult present at the age assessment. If the role and function is explained to them, it is likely that most

young people would wish to have an appropriate adult present.

If a young person says they do not want an appropriate adult present, it may be because they are not happy with the person who has been selected. For example, some young people may not want to have to discuss their past experiences in front of certain adults such as their foster carers or others.

What should the appropriate adult do in the age assessment?

If you have not met the child prior to the age assessment interview with the social workers, try to do so (with an interpreter if necessary). Introduce yourself and explain your role as someone independent, there to look out for the child's interests and welfare. Explain that you will not be speaking in the interview except if you have a serious concern to raise with the social workers. Tell the child they can signal to you if they need a break.

Remember you are there to provide moral support. Be friendly, supportive and sensitive. Be reassuring but do not stray beyond your role and never give legal advice. Remain professional at all times.

Advise the child beforehand about the process, location, timings and what will happen during the interview.

Ensure that the child understands the purpose of the interview and the consequences of the decision that will result from the assessment.

Observe the interview. You should not normally interrupt but may wish to raise serious concerns if you think the interview is not being conducted properly or fairly. For example, you might need to politely intervene if the social workers are asking inappropriate questions or the child is clearly becoming distressed.

Closely monitor any problems with the interpreter. You might, for example, notice that the young person looks very uncomfortable with the interpreter, or that the answers given by the young person are significantly longer or shorter than what is rendered

by the interpreter in English. Note down your concerns and politely intervene if necessary.

Assist communication between the child and the social workers. You should never answer questions on the child's behalf but should be willing to facilitate communication where necessary and where it would assist the child and be acceptable to the social workers. For example, you might wish to politely intervene if you have a serious concern that the child does not understand the social workers' questions or that the child's answers are being misunderstood.

Be aware of the child needing a break and confer with the child and the social workers about taking breaks and receiving refreshments.

It is advisable that you take detailed notes of the questions and the child's answers. In particular, make an accurate note of anything that appears to be contentious or any questions you feel are inappropriate. Write down, for example, if you feel that the process has not been adequately explained by the social workers, or understood by the young person. However, do not let your note-taking prevent you from being engaged in the situation and being attentive to the child's needs.

NOTES

- [1] PACE Codes of Practice, gov.uk website <https://www.gov.uk/guidance/police-and-criminal-evidence-act-1984-pace-codes-of-practice>
- [2] R (FZ) v London Borough of Croydon [2011] EWCA Civ 59
- [3] Association of Directors of Children's Services, Age Assessment Guidance, October 2015 http://adcs.org.uk/assets/documentation/Age_Assessment_Guidance_2015_Final.pdf

This fact sheet should not be used to give legal advice and is for information and guidance only. For advice on individual cases, assistance should be sought from an independent regulated legal adviser.

For further assistance contact our advice line. Call 0207 636 8505 or email mcp@coramclc.org.uk.