



Home Office

Kent Intake Unit social worker guidance

Version 2.0

Guidance relating to the social workers embedded within the Kent Intake Unit

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About this guidance

This document provides guidance and information relevant to the delivery of social work assistance, by a team of contracted social workers, in support of the delivery of the Kent Intake Unit's (KIU's) functions in respect of children and those claiming to be children. This includes:

- guidance for the team of social workers on what their roles are, how these must be delivered and how they will operate alongside Home Office staff based in KIU
- guidance for Home Office members of staff working alongside the social workers

We anticipate this to be a temporary arrangement to deal with the immediate pressures faced in the KIU.

Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you or you think that the guidance has factual errors then email Asylum Policy.

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email the Guidance Rules and Forms team.

Publication

Below is information on when this version of the guidance was published:

- version **2.0**
- published for Home Office staff on **3 December 2020**

Changes from last version of this guidance

Minor amendments made to the guidance, including the addition of a hyperlink, a reference to the initial age assessment report and guidance on assigning an age or date of birth following a short Merton compliant assessment. The document will be kept under close review and will be amended as these arrangements are embedded.

Related content

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Introduction

This page provides information on the key aims of the process and principles which must be adhered to.

The Home Office has contracted a team of four agency social workers to work alongside Home Office officials in the Kent Intake Unit (KIU) to provide social worker support and advice on the discharge of its immigration functions in relation to unaccompanied children and, in some cases, accompanied children in cases where there are welfare concerns.

For the purposes of this guidance an unaccompanied child is defined as one who is under 18 years of age and is not being cared for either by parents or by someone who in law or custom has responsibility to do so.

Key aims

This arrangement aims to achieve the following objectives:

- to strengthen the processes for ensuring children arriving in KIU are safeguarded - such as by identifying vulnerable children at the earliest possible opportunity and facilitate rapid access to any safeguarding services to which they are entitled by virtue of their age and assessed needs
- to strengthen processes for assessing the ages of those whose claims to be children are doubted
- to reduce pressures on local authority resources by decreasing the number of adults referred to them by the Home Office for age assessments and the corresponding requirement to provide services under the Children's Act 1989 (or equivalent) until such time as an age assessment is complete
- to improve the interaction between KIU and local authority children's services at the point of transfer into their care
- to support the process of transferring unaccompanied asylum-seeking children (UASC) to other local authorities and help safeguard the children while these transfers are undertaken

General principles

The processes set out within this instruction must be undertaken in accordance with, and to achieve, the following principles:

- the statutory duty under [Section 55 of the Borders, Citizenship and Immigration Act 2009](#) which requires that immigration, asylum, nationality and customs functions are discharged having regard to the need to safeguard and promote the welfare of children who are in the UK, including that the best interests of the child are a primary consideration at all times
- the welfare of the child is paramount at all times with the child being cared for by appropriate adults or agencies with safeguarding responsibilities being met

- in cases where there the Home Office doubts the age of a person claiming to be a child, their age is assessed in an appropriate and legally compliant manner, for both safeguarding purposes and, in the case of KIU, to protect the integrity of immigration controls
- decisions made promptly and communicated to the child in a way that acknowledges their age, maturity and particular vulnerabilities
- staff are constantly alert to any signs that the child is at risk of harm or abuse or may have been trafficked and take appropriate action where this is the case
- children who have been trafficked or who are at risk with regard to modern slavery are identified as early as possible, are provided with the necessary support, and are referred to the National Referral Mechanism (NRM)
- that the social workers deliver their functions in a way that maintains their professional integrity as social workers and does not impede their adherence to their statutory social work duties
- that the professional views of the social workers are assigned significant weight given their professional expertise and experience through working with children on a regular basis
- have regard to the [UN Convention on the Rights of the Child](#)
- take into account the views and feelings of the child
- comply with Data Protection Legislation, specifically the [General Data Protection Regulations](#) (GDPR) as contained in the [Data Protection Act 2018](#)

Relevant legislation and legal framework

The legal framework the social workers will be expected to adhere to include, but are not necessarily limited to, the following:

- [Section 55 of the Borders, Citizenship and Immigration Act 2009](#):
 - it requires the Secretary of State to make arrangements for ensuring that immigration, asylum and nationality functions are discharged having regard to the need to safeguard and promote the welfare of children who are in the UK
 - further details can be found in the statutory guidance, [Every child matters](#) which contains the overarching principles to be followed and more details, including for example inter-agency co-operation
- [Children Act 1989](#)
- [Children and families Act 2014](#)
- [Part 5 to the Immigration Act 2016](#) - relates to the transfer of responsibility for unaccompanied asylum-seeking children and other migrant children from one local authority to another

Age assessment case law

The courts have set out guidance and minimum standards which must be applied when age assessments are conducted by social workers. Much of the initial guidance was set out in [B v London Borough of Merton \[2003\] EWHC 1689 \(Admin\)](#) (commonly known as “Merton”). Links to much of the relevant case law can be found on pages 58 to 64 of the [ADCS age assessment guidance](#).

Most of the case law is relevant to comprehensive age assessments, but examples of case law relevant to short assessments include, but are not limited to, the following:

- [B v London Borough of Merton \[2003\] EWHC 1689 \(Admin\), paragraphs 27, 37 and 38](#)
- [R \(on the application of K\) v Milton Keynes Council \[2019\] EWHC 1723 \(Admin\) \(9 April 2019\)](#)
- [AB v Kent County Council \[2020\] EWHC 109 \(Admin\) \(23 January 2020\)](#)

Further reading

The safeguarding and welfare of UASC is best assured when all relevant agencies with a formal role in a child's life co-operate and work together. To that extent the government welcomes the views of a number of stakeholders. In particular:

- [UNHCR: Safe and Sound](#)
- [UNHCR: The Heart of the Matter](#)

These views are independent of government and where they differ from the content of this guidance, Home Office staff must follow this guidance only.

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Related external links

[Children Act 1989](#)

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Relevant guidance documents

This guidance must be read in conjunction with the specific guidance on particular situations. For instance:

- [Every child matters](#) - statutory guidance issued under Section 55 of the Borders, Citizenship and Immigration Act 2009 on how UK Visas and Immigration are making arrangements to safeguard and promote the welfare of children
- assessing age guidance on Horizon or [GOV.UK](#) - this guidance sets out the policy and procedures that must be followed by Home Office officials when an asylum seeker claims to be a child and their claimed age is doubted by the Home Office
- [ADCS age assessment guidance](#) - good practice guidance to help frontline social workers conduct age assessments
- [Age assessment joint working guidance](#) – this sets out the agreed arrangements between the Home Office and local authorities, in England, where either disputes the age of a person seeking asylum who claims to be a child
- assessing age flowchart - provides an overview of the Home Office's age assessment process
- children's asylum claims on Horizon or [GOV.UK](#) – this guidance tells Home Office staff about how to process and assess asylum claims from children
- [Working together to safeguard children 2018](#) - statutory guidance on inter-agency working to safeguard and promote the welfare of children
- [Modern slavery](#) - guidance on considering cases which involve modern slavery
- [UASC National Transfer Protocol](#) - guidance on the operation of the National Transfer Scheme (NTS) and the way in which local authorities can transfer unaccompanied children to another local authority in accordance with section 69 of the Immigration Act 2016

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Services to be delivered

This page tells the social workers who are based in the Kent Intake Unit (KIU) about the services they are expected to deliver and how Home Office staff will work alongside the social workers.

Please note:

- the ability of the social workers to deliver these services will be subject to capacity and their availability – if the social workers are not available, KIU staff should revert to standard processes
- the delivery of the functions listed by both KIU and the social workers must be in accordance with the [General principles](#)

Age assessment (primary objective 1)

The social workers will help support the processes for assessing the ages of those seeking asylum who claim to be children, but whose claimed ages are doubted.

The opinion of a social worker will be immediately obtained by KIU in the event they are minded to make a decision that:

- a claimant's physical appearance and demeanour very strongly suggests that they are 25 years of age or over
- there is reason to doubt the claimant's age, but their physical appearance and demeanour does not very strongly suggest that they are 25 years of age or over

Upon receipt of the request, the social worker must immediately:

- review the decision on age
- provide their views in writing to KIU on why they agree or disagree with KIU's assessment – for example, that they are of a view that:
 - there is no doubt over the claimed age and therefore a Merton age assessment is not appropriate
 - the person's claimed age is doubted, but the social worker still considers them to be a child
 - that there is doubt over whether the person is an adult or a child, but their physical appearance and demeanour does not very strongly suggest that they are 25 years of age or over
 - that they agree with the Home Office's assessment
- undertake a short Merton compliant age assessment if either:
 - they are of a view that the Home Office decision to assess the claimant as age 25 or over, based on their physical appearance and demeanour, is incorrect, but they are still of a view that the claimant is potentially clearly an adult

- they are of a view that the claimant is potentially clearly an adult despite the fact that KIU did not assess that the claimant's physical appearance and demeanour to very strongly suggest that they are 25 years of age or over

A short Merton compliant age assessment must:

- only be conducted if assessed as appropriate in the professional opinion of the social worker and if in accordance with age assessment case law and the [ADCS age assessment guidance](#)
- be conducted in a manner which is in accordance with age assessment case law and the [ADCS age assessment guidance](#)
- take into account information obtained by the Home Office, whilst at the same time recognising that the decision is the responsibility of the social worker (even though legal accountability for that decision rests with the Home Office)
- use the Kent Intake Unit initial age assessment report to set out the decision and provide evidence that it is case law compliant
- ensure that in the event the person is assessed to be clearly an adult, the date of birth or age assigned to them within the report is consistent with this decision

Upon receipt of the social worker's views or short Merton compliant age assessment, KIU must review its decision on age in accordance with the guidance in the assessing age guidance on Horizon or [GOV.UK](#):

- guidance on determining whether an age assessment is Merton compliant and assigning weight to the assessment, is located in the sections titled: 'Local authority age assessments' and 'Weighing up conflicting evidence of Age'
- guidance on assigning weight to the views expressed by social workers on assessments made by the Home Office that a person's physical appearance and demeanour very strongly suggests that they are 25 years of age or over, is located in the section titled: 'Taking account of views expressed by a local authority'

Where doubt remains over whether the claimant is an adult or a child, KIU will refer them to a local authority for a (potentially second) Merton compliant age assessment to be conducted and they will be treated as a child and their claimed age until further assessment of their age has been conducted. If a short Merton age assessment was conducted, a copy of the age assessment proforma must be sent to the local authority.

Welfare concerns (primary objective 2)

The social workers will help support and strengthen the Home Office's processes for safeguarding children where there are immediate welfare concerns.

Where there are concerns over the welfare of a child encountered by KIU, the unit should request safeguarding advice and assistance from the social worker and the social workers would be expected to provide appropriate social work support. This

may include, if requested, assisting the Home Office in making a referral to the National Referral Mechanism for victims of Modern Slavery where appropriate.

If the safety of the child is identified as being at immediate risk, this must be responded to as a matter of priority involving KIU, the Asylum Safeguarding Hub and other relevant statutory agencies, such as local authority children's services or the police.

Examples of where KIU may have concerns about the welfare of a child may include, but not be limited to, situations where:

- there are reasonable grounds to believe the child may have been trafficked into the United Kingdom
- the accompanying adult is not a close relative of the child
- the accompanying adult claims to be a close relative of the child but there are grounds to believe this may not be the case
- the accompanying adult states that they are unable or unwilling to look after the child
- there are grounds to believe that the child may be at risk of potential or actual significant harm
- there are delays with the transfer of the child to appropriate local authority care

General safeguarding assistance (secondary objective)

Subject to having spare capacity after having delivered the support detailed in [Age assessment \(primary objective 1\)](#) and [Welfare concerns \(primary objective 2\)](#), the social workers will support KIU by helping them to deliver their child specific procedural safeguards. If requested by KIU, this may include:

- in the absence of other responsible adults being promptly available (such as those provided by the Refugee Council), the social workers may undertake the role of "responsible adult" for a child for the purpose of taking fingerprints, while KIU completes the registration process
- the social workers, after the completion of the welfare interview and collection of biometrics, will take initial responsibility for the child on site pending their transfer in to local authority care, if the alternative is the child's detention under immigration powers during this intervening period (for example, this may occur where Refugee Council on-site staff are unable to monitor the children during this period)
- assisting with National Transfer Scheme (NTS) transfers to other local authorities by:
 - undertaking a brief assessment of the child
 - helping to ensure they are appropriately safeguarded whilst awaiting transfer
 - if requested, assist the Home Office with communicating to the receiving local authority any safety and care issues that need to be taken in to account

Support to Kent children's services (tertiary objective)

Subject to having spare capacity after having delivered the services detailed in [Age assessment \(primary objective 1\)](#), [Welfare concerns \(primary objective 2\)](#) and [General safeguarding assistance \(secondary objective\)](#), if instructed by KIU following a request from Kent children's services, the social workers may undertake Merton compliant age assessments on behalf of Kent children's services, with the local authority retaining full legal accountability for the age assessment decisions.

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Key contacts

This page provides information on the key teams the social workers will interact with.

Office of the Children's Champion

The Office of the Children's Champion (OCC) is responsible for promoting child safeguarding duties across the Border, Immigration and Citizenship System (BICS), providing monitoring, challenge, advice and support as a 'critical friend' on the development of related strategies, policies, and procedures as well as frontline operational practices.

OCC professional advisors will support the social worker process by:

- providing senior social work support on induction, and delivering their services in an immigration context
- providing reflective supervision monthly via one to one meetings with the social workers as would be delivered to social workers working within statutory or non-statutory agency children's services – the frequency of these meetings will be kept under review

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Asylum Safeguarding Hub

The Asylum Safeguarding hub is made up of 10 hubs which are spread throughout 8 locations in the UK: Dover, Croydon, Cardiff, Solihull Liverpool, Bootle, Leeds, Glasgow. The National Asylum Intake Unit (NAIU) hub, based in Kent Intake Unit (KIU), takes referrals from all 3 intake units within the UK. This means that they are able to assist any vulnerable individuals who are claiming asylum who are highlighted to them by the frontline staff. The Home Office has identified 24 vulnerability indicators and the Hub will take intervention or signposting action in relation to any of these indicators.

Every case that is referred to the NAIU hub is assessed by an officer and then a decision is taken on what actions are to be taken. In some cases, this may be that they send the affected customer a letter detailing how they can register for a GP,

send them a list of surgeries near to their home and the relevant forms with additional sources of support. Or, it could mean in the more serious suicide cases, that they hold a case conference with the Hub grade 7 and the supporting agencies/services, such as GPs and social workers, to make decisions on whether any further actions are required and how the applicant receives their final asylum decision.

The network of hubs means that they can give early warning to hubs in the regions of an applicant who may be dispersed to their area and ensures that assistance can be put in place on their arrival in the dispersal areas. The Hub staff conduct talks with frontline staff to raise awareness and understanding of vulnerability issues. In addition to having Standard Operating Procedures to ensure consistency, the Hub has provided desk guides for asylum staff to assist them in identifying and exploring vulnerability issues with customers.

In Kent, the hub also assists with the missing children and keep a detailed list of who is missing in Kent and meet with Kent County Council and Kent Police to regularly review the lists. The HEO of the NAIU hub sits on multi-agency strategy discussion for cases that have come through KIU, this can be for missing or for child protection cases.

The NAIU Hub will support the social workers by providing day to day support and oversight, including their onboarding and line management.

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Kent Intake Unit

The National Asylum Intake Unit (NAIU) is responsible for locking identity and registering asylum claims through a screening process. Asylum in the UK should be sought at the first available opportunity, on arrival, at a port of entry. Those who have failed to claim on arrival, who enter illegally or whose circumstances have changed since arrival, can lodge a claim at an in-country location. The National Asylum Intake Unit (NAIU) is based across 3 sites (Asylum Intake Unit (AIU) in Croydon, the Kent Intake Unit (KIU) in Dover, and the Midlands Intake Unit (MIU) within the Yarls Wood Immigration Removal Centre), and registers between 60% and 70% of asylum applications. The remainder are registered by Border Force (for example, where a passenger claims asylum on arrival) and Immigration Enforcement (for example, when encountered on operations or from in-country lorry drops).

The Kent Intake Unit more specifically, is located within the Port of Dover and primarily handles clandestine entrants detected either near the port, in the surrounding area in Kent and small boat arrivals. The unit operates 24 hours per day, 7 days a week and 365 days of the year. Those arriving at the unit will already be detained, so KIU includes a short-term holding facility. The unit processes both adults and children, working closely with Kent Children's Services in relation to children to ensure that they are processed and placed into appropriate care as quickly as possible. In the case of unaccompanied children, registering their asylum claim (if applicable), undertaking welfare interviews and completion of the UK Visas and Immigration (UKVI) Operating Mandate, and promptly referring them in to local authority care. The purpose of the welfare interview is to obtain information that is necessary for a meaningful booking-in process, including biographical data and information relating to the child's needs and welfare concerns.

Children (both unaccompanied asylum seeking children (UASC) and family groups) are prioritised on their arrival at the KIU, to ensure that they remain for the shortest possible period.

Support for young people is provided on-site at KIU by the Refugee Council, through the Children's Advice Project – the Refugee Council have a separate (from the adults), child friendly, area where they support the young people through the process at KIU, including providing food if needed.

KIUs chief immigration officers (CIOs) will support the social worker process by providing day to day tasking, with Line Management sitting with UKVIs Safeguarding Hub.

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Background information

This page provides basic information on Home Office processes relevant to the delivery of social worker support.

Many of the children encountered at the Kent Intake Unit (KIU) will have suffered persecution and neglect, and endured long and arduous journeys to the UK.

National Transfer Scheme

The National Transfer Scheme (NTS) was launched in July 2016 to promote a more even distribution of caring responsibilities across the country and to prevent local authorities being asked to care for more unaccompanied children than they can cope with. It is underpinned by powers in the [Immigration Act 2016](#).

Since that time, it has transferred a significant number of unaccompanied children away from local authorities whose children's services are under pressure to local authorities who are better able to provide the vulnerable young people with the support they need.

However, more recently there has been a significant increase in the number of unaccompanied children arriving in Kent which has led to Kent stating that they are unable to accept any further newly arrived unaccompanied children into their care.

Further information on the NTS can be obtained from [UASC National Transfer Protocol](#).

Age assessment

The age of a person arriving in the UK is normally established from the documents with which they have travelled. However, many who claim to be children do not have any definitive documentary evidence to support their claimed age. Where clear and credible documentary evidence of age is not available, the Home Office will only treat a person claiming to be a child as an adult, without further investigation, if 2 officers (one of at least Chief Immigration Officer grade) have separately determined that the individual's physical appearance and demeanour very strongly suggests they are 25 years of age or over.

When there is doubt about an individual's claim to be a child, Home Office policy is to refer for a Merton compliant age assessment. The individual will be treated as a child until a decision on their age is made.

In the absence of definitive documentary proof of age, it is Home Office policy to give prominence to a Merton compliant age assessment by a local authority and it is likely that in most cases the Merton assessment will be determinative. However, all available relevant sources of information will be considered, and an overall decision made in the round.

Further information on the Home Office's age assessment policy can be obtained from the assessing age guidance on Horizon or [GOV.UK](#).

Detention of unaccompanied children

Published Home Office detention policy is clear that there are very limited circumstances in which, exceptionally, it may be appropriate to detain an unaccompanied child. This includes where it is necessary to do so briefly for their care and safety pending alternative care arrangements being made for them with family or friends (where appropriate) or Local Authority Children's Services. This situation may arise where a child is travelling alone or is identified as a potential victim of trafficking. Published Home Office detention policy is clear that detention of an unaccompanied child must be kept as short as possible and with appropriate safeguarding arrangements in place.

Please note that where an unaccompanied child is detained exceptionally, in line with section 5 of the [Immigration Act 2014](#), they must not be detained in an immigration removal centre (Note: As previously indicated, the Kent Intake Unit is a short-term holding facility). Additionally, the decision-making process in relation to their detention must be informed by, and take account of, the statutory duty under section 55 to have regard to the need to safeguard and promote the welfare of children.

Further information on the Home Office's detention policy can be obtained from the [Detention and temporary release](#) guidance.

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