

THE MANSTON INQUIRY

BHATT MURPHY INQUIRY PARTICIPANTS SUBMISSIONS FOR SECOND PRELIMINARY HEARING 25 September 2026

1. These submissions are provided on behalf of the Bhatt Murphy Inquiry Participants (“BM IPs”).
2. There has been a division of labour between the firms acting for IPs who were detained at Manston to minimise duplication. In view of the composition of the BM IPs – which include the NGO Humans for Rights Network (“HFRN”) and 21 former unaccompanied asylum-seeking children (“UAS Children”) wrongly treated as adults by the Home Office – the focus of these submissions is on issues pertaining to children.
3. However, certain issues are cross-cutting and of such pivotal importance that they are addressed in these submissions. The treatment of UAS Children acts as a paradigm example of how systemic illegality and failure; corrupted institutional practices; and toxic culture were the central drivers and/ or explanation for the widespread misconduct in public office which this Inquiry is and will be uncovering. These are matters central to the evidence provided to the Inquiry by both HFRN¹ and INQUEST² and demonstrated by the repeated pattern of unlawful practices in the treatment of the BM IPs, including children.

Status of the Inquiry

4. The BM IPs submit that the Inquiry will be unable to meet its Terms of Reference (“TOR”) or properly discharge the Articles 2 and 3 ECHR investigative obligations without the power of compulsion conferred on statutory inquiries under the Inquiries Act 2005 (“the Inquiries Act”). This needs to be addressed now to avoid derailing the timetable for the public hearings. The Chair is therefore respectfully invited to request that the Home Office, as the sponsoring department, convert the Manston Inquiry to a statutory inquiry pursuant to the Inquiries Act, s.15(2).

¹ Mans:00077439

² mans001:00077479

5. The power of compulsion is required because of the evidence disclosed by the Inquiry of an established and highly troubling pattern of non-compliance by key Material Providers:
- a. First, Material Providers at the highest level with direct and/or overall institutional responsibility for events at WJF and Manston during the RP, namely former ministers, have failed to provide witness statements by the final date which the Inquiry had agreed for service.³ Most egregious in this regard is the Rt Hon Robert Jenrick MP, who – despite being immigration minister for the period when the abuse of power and conditions at Manston were at their worst – appears to have disengaged entirely from the Inquiry until an update was published on the Inquiry website about his non-engagement.⁴ No doubt this has impeded the work of the Inquiry.
 - b. Second, non-compliance by key Medevent staff is also of serious concern, particularly in view of the criticisms made by Dr Killingley in his draft report about the clinical care provided by Medevent to Mr Ahmed at Manston, which in his provisional opinion fell below acceptable standards [19(b)].⁵ Full co-operation by Medevent staff is essential and necessary for the Inquiry to carry out its investigation and discharge its duties under the Convention including its Article 2 ECHR function. The fact that Mr Paul Creasey, the Managing Director of Medevent, is failing to cooperate with the Inquiry is, therefore, a major problem. Disclosure of a draft statement from such a key individual does not remedy the serious deficit resulting from his non-compliance.
 - c. Third there is minimal disclosure provided by Medevent to date. Disclosure review indicates that just 32 documents have been disclosed directly by Medevent, most of which are SOPs / policies which postdate the RP.⁶ There are contemporaneous weekly updates from Dr Matthew Milner, however there is nothing about individual patients. There are 17 daily logs from November⁷, but these were not uploaded in the Medevent

³ Update to Inquiry Participants, May 2026, paragraphs 10-18 and June 2026, paragraphs 7-9.

⁴ Inquiry news update, 3 June 2026. Accessed: <https://www.manston.independent-inquiry.uk/news-updates/>

⁵ For example, at [19(a)], Dr Killingley opines: *“I would have expected a frontline clinician working for Medevent to have been aware for the need for DAT, especially given that Medevent had prior experience of managing cases of diphtheria. Further, the specific doctor involved suspected diphtheria on his first assessment, so this was not the case that the condition was missed or not considered”*.

⁶ Inquiry disclosure references: mans001:00009344, mans001:00009419, mans001:00009410, mans001:00009348, mans001:00009354, mans001:00009411, mans001:00009383, mans001:00009392, mans001:00009403, mans001:00009422, mans001:00009349, mans001:00009402, mans001:00009350, mans001:00009347, mans001:00009412, mans001:00009342, mans001:00009416, mans001:00009385, mans001:00009345, mans001:00009362, mans001:00009381, mans001:00009408, mans001:00009356, mans001:00009401, mans001:00009399, mans001:00009384, mans001:00009386, mans001:00009395, mans001:00009351, mans001:00009360, mans001:00009375, mans001:00009371.

⁷ Inquiry disclosure references: mans001:00003177, mans001:00002512, mans001:00002513, mans001:00002516, mans001:00002517, mans001:00002518, mans001:00002495, mans001:00002498,

tranche, and all names have been redacted. We would expect more disclosure from Medevent, including daily logs from the full RP, given the company's role in the provision of healthcare at Manston, including the care of Mr Ahmed.

6. The BM IPs note that significant and sustained efforts have been made by the Chair and the Inquiry Team to engage these Material Providers with the Inquiry. The Inquiry is evidently doing everything within its powers to encourage compliance. It is clear, however, that the point has been reached when those powers are not sufficient and the non-statutory nature of the Inquiry is inhibiting its ability to discharge its functions under the law and expeditiously. Powers of compulsion are now necessary: *R (MA and BB) v SSHD* [2019] EWHC 1523 (Admin).
7. Death of Mr Ahmed: On behalf of INQUEST, we emphasise that the TOR empower the Inquiry to investigate how and in what circumstances Mr Ahmed died with the inquest into his death suspended. Whilst the ambit of the Inquiry's investigation is the same as that of a Coronial investigation (reflecting s. 5(2) of the Coroners and Justice Act 2009), for so long as the Inquiry remains non-statutory, it lacks powers comparable to Schedule 5 of that Act to compel witnesses to attend hearings, produce documents, and provide written evidence. The Inquiry is fortunate to benefit from the considerable and highly relevant expertise of the Chair and CTI. However, that expertise cannot be properly utilised and all "*the relevant facts [will not be] exposed to public scrutiny*" (*R v HM Coroner for North Humberside and Scunthorpe Ex p. Jamieson*, at p. 26C) in the absence of candid, transparent and frank witness evidence and disclosure from those responsible at Medevent for the provision of healthcare and directly involved in Mr Ahmed's care prior to his death. In view of these developments, we also respectfully raise the question again about whether it is appropriate or necessary for the interests of Mr Ahmed to be represented separately by an IP appointed for that sole purpose, such as INQUEST.
8. Precedent: There is precedent for converting a non-statutory inquiry to a statutory inquiry in comparable circumstances. The Brook House Inquiry was originally proposed by the Home Office as a non-statutory inquiry, until the Court in *MA and BB* held that this would not comply with the state's Article 3 ECHR investigative obligations. Another recent example is the Lampard Inquiry which was converted in October 2023 due to the concerns of the then chair,

Dr Geraldine Strathdee CBE about the limited levels of staff engagement leading to the conclusion that the inquiry could not meet its TOR without additional powers of compulsion.⁸

9. Public Office (Accountability) Bill: We note discussion of the Public Office (Accountability) Bill in the CTI note paras.100-102. There is the possibility that if and when the Bill receives Royal Assent, transitional arrangements might mean that it could be applied to existing inquiries. However, as recognised at para.101, that is speculative. We welcome the Chair's reminder to Material Providers and IPs to comply with the high duty of candour in the context, especially in light of the reason and purpose of the Bill. The policy background set out in the Explanatory Notes is directed at exactly the type of mischief adversely impacting on the Inquiry to date. This further reinforces the argument in favour of converting to a statutory inquiry to ensure the full facts are found, and meaningful recommendations can be made.
10. The Home Office: The Home Office ought properly to be amenable to converting the Inquiry given these developments. The Home Office previously indicated that a statutory inquiry would be established before backtracking.⁹ Moreover, the sponsoring department must take responsibility for non-compliance by its own sub-contractors where it has chosen to delegate important functions, here healthcare, to third party sub-contractors. The contract between Medevent and Mitie and the Home Office has not been disclosed by the Inquiry, so its contents are not known. However, given the lack of cooperation to date it is expected that the contract does not require compliance with investigations and inquiries¹⁰ although it clearly should and in any event must be the expectation that they would wish to reinforce for its contractors. Medevent continued to provide healthcare services at Western Jet Foil ("WJF") and Manston until at least late 2025.¹¹ It is incumbent on the Home Secretary to use the powers to ensure compliance by its sub-contractors, including in this case by agreeing to convert to a statutory inquiry and more broadly, not to use contractors and sub-contractors who do not comply with investigations and inquiries.

Statements from further individuals or organisations (4a)

⁸ See, open letter from Dr Strathdee dated 12 January 2023: <https://lampardinquiry.org.uk/updates/open-letter-from-dr-geraldine-strathdee-chair-to-the-essex-mental-health-independent-inquiry/>; and statement from Dr Strathdee dated 28 June 2023: <https://lampardinquiry.org.uk/updates/conversion-of-the-inquiry-to-statutory-status/>.

⁹ BBC News, Home Office to launch inquiry into Manston processing centre, 12 March 2024: <https://www.bbc.co.uk/news/articles/cpw04q5weelo>.

¹⁰ The contract between Medevent and the Home Office is referred to at s.70 of Donald Smith's witness statement [mans001:00077504], however, the exhibit reference mans001:00001576 has not been disclosed.

¹¹ IMB, Annual Report of the Independent Monitoring Board at Kent Coast Short-Term Holding Facilities, For reporting year 1 January 2025 to 31 December 2025, pp. 4 and 6-7.

11. The BM IPs welcome the opportunity to suggest further individuals and/ or organisations from whom the Inquiry ought to seek statements. We exhibit a list that has been prepared in collaboration with the firms representing other detained IPs [Annex A].
12. The BM IPs are concerned that the witness statements obtained to date are weighted too heavily toward senior officials and former ministers. There is no evidence from e.g., (i) managers of the detention sites at WJF and Manston, both for the Home Office and contractors; and (ii) detention and medical staff¹² with direct frontline experience at WJF and Manston during the RP; and (iii) individual decision makers. It is of course necessary for former ministers and senior officials to provide statements and evidence to enable the Inquiry to examine the high-level policy decisions, and for institutional and individual accountability. However, from our review of the witness statements disclosed to date and of CTI Note Annex B, there is a clear need for evidence from those with much greater day-to-day perspective from those both running the detention sites and working there during the RP. The experience of the Brook House Inquiry was that evidence from the level of managers, staff and individual decision makers provided some of the best insight not only in addressing what happened, but in particular why.
13. We note that the following important day-to-day roles are not reflected in the witness evidence to date: (a) IOs and Chief IOs working at WJF or Manston; (b) Border Force Officers working at WJF or Manston; (c) Interforce Officers; (d) social workers; (e) service delivery managers (Mitie); (f) medical staff from Medevent or Aeromed addressing incidents other than the treatment of Mr Ahmed. We emphasise that there is no witness evidence from anyone responsible for carrying out initial age assessments at WJF (cf. those with oversight of that process). We also note that there is currently no evidence from anyone involved in the policy development and individual decision making with respect to the prosecution of people arriving by small boat for immigration offences during the RP.
14. There is a high level of generality in evidence from the witness statements from the Home Office and contractors (where provided) as to what policies, procedures, training, monitoring, enforcement mechanisms etc. were or ought to have been in place or followed but they do not speak first-hand to the insufficiencies of the arrangements in practice. Nor do they provide the evidence required to properly investigate the dynamics that lead to corrupted/toxic institutional culture of impunity, dehumanisation and racism operating in the immigration detention/enforcement system. This point is made good by the following examples:

¹² Aside from those who have given evidence with respect to Mr Ahmed.

- a. David Boswell: Mr Boswell is the Chief Executive of Interforce. He is the only Interforce witness to provide evidence to the Inquiry.¹³ Mr Boswell can provide no firsthand knowledge of events, and describes no specific incidents, despite disclosure referring to serious incidents involving Interforce staff.¹⁴ Boswell asserts that Border Force may have lost Interforce's use of force report forms (Boswell, para.26). Interforce officers worked at both WJF and Manston throughout the RP and carried out wide-ranging functions (Boswell, para.13). Interforce Officers had extensive interactions with detained persons. Notably however, they were not trained to DCO level despite being tasked with prevention of disruption, including de-escalation and conflict management (see, Boswell, paras.13, 15).
- b. Emma Porter: Ms Porter was the Future Planning and Capability Director at the Home Office. At several junctures in her witness statement¹⁵ she makes plain that neither she nor her team had a direct operational role at Manston (Porter, para.7(ii)):
- i. Age assessments: she states that she was involved at the level of reviewing the process but "neither myself nor my team were involving in conducting age verification as officers have to be specially trained to conduct this process" (Porter, para.12(ii)).
 - ii. Record keeping: she states that although her team had operational experience among them, they "were not in fact responsible for the keeping of records" (Porter, para.12(iii)).
 - iii. Searches: she states: "my team did not in fact carry out any searches so the extent to which processes were followed is not within my knowledge" (Porter, para.12(iv)).
 - iv. Failure to follow policies: she describes "significant push back from some operational team members" when her team sought to devise and roll out process changes, but she "cannot speculate as to why people pushed back" and notes instances whereby "[o]fficers would follow these processes when my team were on site, but my team became aware after they left the site that processes would be changed" (Porter, paras.67-68).

¹³ mans001:00076118

¹⁴ e.g. mans001:00007012, mans001:00023205, mans001:00019047

¹⁵ mans001:00076115

- c. Nicolas Jariwalla: Mr Jariwalla was the Director for Asylum Support during the RP.¹⁶ One of his teams was the UAS Children Team, which worked with Emma Topp in the Kent Intake Unit (“KIU”). His team was responsible for “working with colleagues at [WJF] and across the rest of the system (including Kent County Council) to ensure we had the best processes in place to identify [UAS Children] as they arrived at WJF and that those identified as children were supported appropriately” (Jariwalla, para.12). He acknowledges that some UAS Children were present at Manston during the RP, and that there were “challenges around age verification processes” with local authorities often suggesting “Home Office processes are too strict and do not identify children” and that “in some instances, decisions were made about who was (and was not) a child which ... others would disagree with” but caveats those statements by saying “decisions about who was (and was not) accepted as an unaccompanied child were not for my team to make” (Jariwalla, paras.13, 97).
- d. David Wood: Mr Wood is the CEO of Global Secure Accreditation Ltd (now GSA Global Limited)¹⁷. GSA were contracted by the Home Office throughout the RP to provide staff to carry out screening interviews at Manston (Wood, para.3-4). Mr Wood visited Manston on “several occasions” but was not there on a day-to-day basis (Wood, para.5). He “maintained a strategic oversight of our role and activity at Manston but was not directly involved in the day-to-day activity there” (Wood, para.6).

15. The BM IPs have also suggested additional individuals who had direct involvement with them at WJF and/ or Manston. These are named individuals who were either involved in certain of our clients’ initial Home Office age assessments or who were signatory to some or all their detention paperwork [**Annex A**]. We of course do not know the names of most staff at Manston during the RP; however, we hope that this list will assist the Inquiry in identifying individuals from whom to obtain witness evidence.

16. The LOI includes consideration of the conditions at Manston and the treatment of people (**VI, 25(a)-(i)**). It is the position of the BM IPs that people at Manston were dehumanised from the moment they arrived at WJF until their eventual release from Manston. It is our evidenced view that this dehumanisation was born of a toxic culture from top-to-bottom and was imbued with anti-migrant, xenophobic and racist attitudes and behaviour toward people who arrive in the UK by small boat, the majority of whom come from racialised communities and who have been

¹⁶ mans001:00074127

¹⁷ mans001:00073587

increasingly criminalised for seeking international protection in the UK through the policies of successive governments. We do not assert that everyone working on at a policy level or on the ground held these beliefs, but we do assert that the evidence will show that this toxic institutional culture driven by political expediency, demonisation and enforcement imperatives at the expense of rights and basic welfare is endemic within the Home Office and has been for some time. The Brook House Inquiry found as much, but this has significantly intensified after 2020 and in the context of increasing small boats crossings.

17. In 2023, the Brook House Inquiry made shocking and powerful findings about the “prisonisation, dehumanisation, [and an] ‘us and them’ attitude” and a “fundamental failure to understand the power imbalance” which “fed into and also fed off attitudes of racism and toxic bravado” by staff.¹⁸ There are clear parallels with the events at WJF and Manston during the RP, a point reinforced by the conduct alleged in the pending prosecutions against multiple immigration officers who worked at WJF and Manston during the RP. By way of further example:

- a. MTC Incident Report, 7 November 2022¹⁹: This report addresses concerns raised about staff comments to detainees during a peaceful protest in the courtyard at Manston. Staff were reported to have made comments including: (a) “Unfortunately you chose to come here...”; (b) “No one asked you to come here it was your choice”; (c) “You chose to get on the boat”; and (d) a Border Force officer made comments about taking tax-payers money.
- b. Email from Steven Allen Purnell (Site Security Operations Manager, Mitie), 27 October 2022²⁰: Mr Purnell states that he is emailing regarding “an ex-military guy who is employed by Minimal Risk [...] Refers to our guests as ‘these are the people I have fought wars against’”.
- c. Document headed ‘Immigration Enforcement Making a Complaint’ produced by a detainee at Manston regarding how he was spoken to by staff, 10 October 2022²¹: “I politely asked for the TV volume to be turned down but I was looked at with resentment and told ‘you are illegal’ [...] [the staff member said] ‘if you don’t like it, you could also go to prison’”.

¹⁸ Brook House Inquiry Report, Volume II, Chapter D.9., para.41.

¹⁹ mans001:00007012

²⁰ mans001:00069224

²¹ mans001:00024655

- d. Email from a Manston contractor (redacted) to POA, 5 October 2022²²: “They are like caged animals, even arguing over a packet of crisps”.

18. The BM IPs also have serious concerns about the public and internal statements made by senior politicians in government during the RP. We are confident that those statements, and the attitudes and beliefs underpinning them, will be ventilated by the Inquiry through the evidence of those individuals. However, it is critical that the Inquiry examine how those beliefs and the policy decisions born of them impacted on the day-to-day treatment of people at Manston during the RP which we submit can only be achieved through first-hand evidence from those who worked there.

Provisional witness list (4b)

19. The BM IPs agree with the inclusions to the Provisional Witness List (CTI note Annex D). We make the following submissions on witnesses to be called to give evidence:

- a. People detained at Manston: We note that the Provisional Witness List does not presently include individuals who were detained at Manston. We understand that it is the Inquiry’s intention to take evidence from such IPs. With appropriate special measures in place, the Bm welcome this opportunity to share their experiences with the Inquiry.
- b. Sarah Hammond: We suggest that Ms Sarah Hammond is added to the provisional witness list. Ms Hammond is the Interim Corporate Director for Adult Social Care and Health (since October 2025) and remains the Corporate Director for Children, Young People and Education (since June 2022) at Kent County Council (“KCC”). Ms Hammond was the statutory Director of Children’s services during the RP. Ms Hammond’s witness statement²³ addresses the refusal by KCC to accept UAS Children during the RP, including the placing of 16- and 17-year-olds at Manston (**LOI 18, 39-42** concerning capacity at Manston). She addresses safeguarding referrals to KCC (**LOI 4, 25**). Ms Hammond also addresses the situation of UAS Children referred to KCC following age assessments (**LOI 4**). The CTI Note para.59 recognises that the “Inquiry’s work in scrutinising the planning for the detention of children and the treatment of children [is] particularly important”. We agree. It is important for the

²² mans001:00030313

²³ mans001:00073586

Inquiry to critically examine the role of KCC²⁴ and its relationship with the Home Office during the RP with respect to the identification, treatment and safeguarding of children (both those accepted and those subject to initial Home Office age assessments and disputed) at WJF, the KIU and Manston. Ms Hammond is the most appropriate witness to assist the Inquiry in this regard.

- c. Conditions on the ground: We welcome recognition by CTI of the importance of calling more junior officials who may be able to speak to conditions on the ground at Manston. As addressed above, the BM IPs ask that the Inquiry obtain witness statements from managers and staff who worked at Manston and WJF during the RP. We hope that this suggestion is taken up by the Inquiry. In the event it is, we would further suggest that a selection of those individuals is called to give oral evidence.
- d. Detention Custody Officers and/ or Detention Custody Managers and/or Border Force officers and/or Security staff: We note that some Mitie statements are outstanding. However, we request assurance that Detention Custody Officer Managers who worked regularly at WJF and Manston are included on the Provisional Witness List and address in witness statements instances not limited to events surrounding Mr Ahmed's death.
- e. Experts: We welcome the inclusion of Drs Killingley and Hard on the Provisional Witness List. The Inquiry is aware that the firms, including BM, who act for people formerly detained at Manston have asked that the Chair consider instructing additional experts (see below). In the event the Chair agrees with any or all the proposed further experts, we ask that they are added to the Provisional Witness List.

Special Measures (4c)

20. The BM IPs welcome the constructive and accommodating approach taken by the Inquiry on the issue of special measures and the helpful detail provided in the CTI Note paras.76-90. We respectfully request consideration of two additional special measures not captured at (a)-(h) of the CTI Note.

21. First, it is requested that witnesses who were detained at Manston who are to give oral evidence be provided with photographs of both the hearing room and the person or people who will ask

²⁴ See, *ECPAT & Ors v Kent County Council & Ors* [2023] EWHC 1951 (Admin) in which the Court held that the routine accommodation of UAS Children in hotels by the Home Office was unlawful and emphasised that KCC could not derogate from its duties under the CA1989.

them questions and/ or a visit to the hearing centre in advance.²⁵ The purpose is to familiarise the witness in advance with the person and environment, with the aim of mitigating the understandable uncertainty and the intimidating nature of giving oral evidence in a formal setting.

22. Second, it is asked that witnesses who were detained at Manston be provided by the Inquiry with transport²⁶ to/ from the hearing centre and that the Inquiry ensure adequate security measures are in place. The Inquiry will be aware of the widespread anti-migrant protest activity including recently at Dover and Portsmouth over the weekend 5-6 September 2026. This included shocking scenes of masked and hooded individuals, blockading roads, and engaging in violent disorder during which police officers were injured and vehicles damaged. It is understood that many of the individuals involved have far-right associations. The Home Office condemned the “intimidating and thuggish behaviour” which had as its direct target newly arrived asylum seekers, including those being transferred to Manston for processing. RNLI volunteers have also been targeted with escalating abuse online since the protests. It is therefore possible, if not probable, that Inquiry hearings might attract some similar protest activity and/ or media attention. CTI rightly acknowledges at para.77 that this cohort of witness are distinguished from others inter alia because of the potential trauma of revisiting past events, including at Manston. This should not be compounded due to adverse and/ or threatening attention on the way in or out of the hearing centre.

Outstanding disclosure (4d)

23. The Inquiry is still disclosing documents, but we take this opportunity to raise specific documents that have not yet been disclosed or inconsistently disclosed which are addressed in Annex C.

Experts (4e)

24. The BM IPs welcome the opportunity to develop submissions on the need to instruct further experts to assist the Chair in her important work. To avoid duplication, the representatives of IPs formerly detained at Manston have each taken the lead on a separate expert issue. Our submissions address the position of UAS Children.

Institutional culture and racism

²⁵ In the alternative, if this material is publicly available, for the witness to be notified through their representative in advance in order that their representative can carry out this familiarisation exercise with them.

²⁶ Or financial support to obtain transport.

25. Regarding the appointment of an expert on institutional culture and racism, the BM IPs also ask that the Chair consider whether such an expert should be appointed in an ‘assessor’ capacity, by analogy with the approach to assessors under the Equality Act 2010 (“EqA 2010”), pursuant to s. 114(7) EqA 2010 and s. 63(1) of the County Courts Act 1984. The precursor to that more general power was under s. 67(4) of the Race Relations Act 1976 which made provision for the appointment of two assessors to assist the court, with the requirement that those assessors “have special knowledge and experience of problems with relations between persons of different racial groups”. As observed by the Court in *Ahmed v University of Oxford* [2002] EWCA Civ 1907 at para.15: “It is well recognised that the task of any fact finding tribunal in the area of race relations is difficult. Overt racism is unusual. Racism can manifest itself in ways which are difficult to detect and may be manifested by the actions of persons who are themselves unaware of their weakness”. No doubt this is why the Macpherson Inquiry sat with assessors.
26. In our view, analysis of issues of institutional culture, impunity, dehumanisation, xenophobia and racism toward migrants, in particular asylum seekers who arrive by small boat must inform every aspect of the work which the Inquiry is to undertake and is the prism through which it must consider the evidence it receives. It is the assessment of these dynamics which is critical to understanding what went wrong and why, including in examining the circumstances of Mr Ahmed’s death. The witness statement of INQUEST²⁷ addresses these structural issues and how they relate to deaths in detention, including racism and discrimination. Ms Cole describes how the “pervasive culture of racism in the immigration system as an aspect of and explanation for the dehumanisation and contemptuous attitudes towards detainees has been a recurring theme” [216]. Ms Cole provides evidence from previous inquests which “indicated a lack of empathy on the part of detention staff, a tendency to see a detained person as “other” and/or not worth of care or attention ... and a loss of a sense of individual responsibility for the welfare of detained people” [214]. She highlights findings of the Brook House Inquiry on how “healthcare failures put vulnerable people at risk of deteriorating in their health, and of instances of mistreatment” [118]. The evidence in this Inquiry disclosed to date indicates the same or similar dynamics were at play here, including relating to the death of Mr Ahmed.
27. This Inquiry does not need to reinvent the wheel. The Brook House Inquiry and its central findings on the causes and/or contributing factors for the grave abuse it uncovered and found to be ongoing must be the starting point. The political imperative of enforcement over rights/welfare, the longstanding systemic failures in law and safeguards and the toxic

²⁷ mans001:00077479

institutional cultures had not been addressed by the time the Brook House Inquiry reported and have not since. Impunity for such serious misconduct in public office for all but a limited number of frontline staff, is evident and well documented²⁸. Manston is another graphic example of this long-standing pattern. Neither the Windrush Lessons Learned Review nor the Brook House Inquiry was able to address head on the role of institutional racism in these patterns of misconduct for reasons of evidence or scope of the investigation. Those were opportunities lost. This Inquiry has both the evidence and the scope to address it. It is, therefore, suggested that the Chair, whose task in this Inquiry is considerable, would be assisted by the appointment of an assessor whose sole function would be to consider and analyse the evidence before the Inquiry through this critical lens.

Accompanied and unaccompanied children (38(a)).

28. The BM IPs include HFRN, 21 former UAS Children wrongly treated as adults by the Home Office, and 8 dependent children in families, the youngest of whom was just 6 months old when detained at Manston. We welcome the approach taken to the issue of children in the CTI Note at paras.53-61 and the recognition both of the “*very distinct position of children*” and of the very limited circumstances in which children can be lawfully detained, and for short periods of time.
29. We also agree that the nature and duration of the detention of children at Manston was ‘unprecedented’ in its own terms, including for example the young age of some of the children detained for extended periods. We observe however that it is unfortunately not unprecedented for the Home Office to detain children who are not accepted as such following a cursory initial age assessment under the *Assessing Age* policy although there is a clear spike in numbers of children being wrongly identified as adults during this period . We refer to the witness statement of Maddie Harris, HFRN²⁹ and her evidence on the longstanding unlawful and systemic failure to reliably identify children, poor decision-making and failure of safeguards, and harmful practices in the treatment of disputed children, resulting in many cases to lengthy detention and serious harm (para.2.7). It also resulted in the unlawful and wrongful criminal prosecution of children for offences under the Nationality and Borders Act 2022 (“NABA”), many of whom were detained at Manston and remanded in adult prisons. Whilst outside the remit of the Inquiry, we note the continuing concerning practice of detaining age disputed UAS Children in the context of the UK-France ‘One-in, One-out Scheme’ (para.10.13). We use this example to

²⁸ E.g: IMB National Annual Report 2025 Adult prisons, young offender institutions and immigration detention, June 2026

²⁹ mans001:00077439

highlight that the unlawful treatment and detention of age disputed UAS Children at WJF and Manston during the RP was not an aberration but another egregious example of the recalcitrant nature of these unlawful and damages practices.

30. The BM IPs note the helpful summary of general principles applicable to the instruction of experts (paras.53-61). Those principles guide and inform the submissions that follow.

(i) The harm caused by detention to children

31. The first area where further expert evidence may be required to assist the Chair in her work is on the harm caused by detention to children. Depending on the position of other IPs, in particular the Home Office, we are of the view that the Inquiry may already have sufficient evidence before it without the instruction of a further expert.

32. On 7 July 2026, DPG wrote to the Inquiry on behalf of the IPs represented by DPG, Bhatt Murphy, Bindmans, Duncan Lewis, Gold Jennings and Wilsons about experts. Appended to that letter (and included with the CTI Note Annex C) is a generic report on UAS Children by Drs Susannah Fairweather (Consultant Child and Adolescent Psychiatrist) and Dr Zoe Given-Wilson (Clinical Psychologist and Postdoctoral Researcher) dated 1 December 2025 prepared on the instruction of Bhatt Murphy and DPG in the context of ongoing civil claims. A further similar report prepared by Dr Gillian Hughes, Chartered Clinical Psychologist and Systemic Psychotherapist, was obtained by Duncan Lewis Solicitors and is also included in Annex C. The considerable relevant expertise of the authors cannot in our submission be impugned (Fairweather, Given Wilsons [3.0], Hughes [p. 3]). Whilst those reports were not specifically prepared for the Inquiry, they have equal application in this context.

33. On the key issue of the impact of detention on children, Fairweather and Given-Wilson are clear (emphasis added): “The research literature provides compelling evidence for the detrimental impact of detention on UAS children with sufficient evidential basis to suggest detention of any duration is harmful” [8.6.1]. Dr Hughes agrees, stating at [I(a)(1)] that “[r]esearch consistently shows that immigration detention, even for relatively short periods of detention lasting days or a few weeks, has a significant adverse impact on the mental health and development of children [...]”.

34. The BM IPs endorse the observations made in the CTI Note at para.54, and the invitation to other IPs to set out their position if there is dispute about the statement that children detained in Manston “are likely to have experienced multiple traumas including through the circumstances that led to their migration or being displaced and during their migration,

including, at the very least, a very frightening journey across the Channel”. We further ask that if there is any dispute over the opinions of Drs Fairweather, Given-Wilson, or Hughes on any matter in their reports going to the TOR or LOI, that this is made clear during the Second Preliminary Hearing by any IP advancing this position with reasons.

35. It is our primary position that there ought to be no such dispute. The opinions given are based on extensive clinical research and experience and they reflect findings of international courts on the vulnerability of children to risks of harm in immigration detention facilities. Moreover, this entirely reflects the Home Office policy which is not to detain children other than in the most exceptional circumstance and for the shortest possible time pending arrangements for their care³⁰. It was Home Office policy not to prosecute children under NABA 2022 because of the risks of harm³¹. For similar reasons Parliament has put a 24-hour time limit on detention of children for the purposes of removal under Schedule 2 para 16(2) of the IA 1971. If no dispute arises, in circumstances where the Inquiry has been furnished with the reports of Drs Fairweather, Given-Wilson and Hughes obtained in the parallel context of the Manston civil claims, we are of the view that the instruction of an expert on this issue by the Inquiry is not reasonably necessary for the Chair to make findings as she can assess and if she considers it appropriate, draw from those reports when making her findings.
36. The position is different if any IP disputes the findings in those reports on any issue falling within the TOR and LOI. Whilst much of the opinion in those reports are on one level concerned with “matters of human nature and behaviour”, they are derived from expert qualification and experience in the field of child mental health. These are therefore not matters within the considerable expertise of the Chair. In those circumstances, our view is that it will be *necessary* to obtain expert evidence to enable the Chair to discharge the TOR and address the LOI as relating to children. This is because (a) of the recognised importance of findings as to the evidence of the clinical consensus that detention is known to be harmful to children; (b) of the treatment of and harm actually caused to children (accompanied and unaccompanied) detained at WJF and Manston during the RP, and (c) this will enable the expert opinion to be tested – including through questions from IPs who dispute the findings – in oral evidence.

(ii) Age disputed children, dehumanisation and racism

37. The BM IPs submit that an expert on institutional culture and racism should be instructed to comment on issues pertaining to children; specifically, UAS Children subjected to initial Home

³⁰ Assessing Age Guidance (v13), page 14

³¹ mans001:00076845

Office age assessments at WJF (which, in turn, resulted in their detention and ill-treatment at Manston and on release into the community). Such evidence goes to the treatment of those detained at Maston during the RP by staff at Manston, including by contractor provided staff (TOR, 2), and lesson learning (TOR, 5).

38. We recognise the considerable expertise in the field of age assessments within the CTI Team. However, we submit that there are issues in that context which necessitate expert analysis and opinion, not least because the age assessment process, and the lawfulness of the ‘Significantly Over 18’ (“SO18”) policy, procedures and application in practice is likely to be contentious with other IPs, in particular the Home Office and Kent County Council. This is notwithstanding the well-established position in caselaw that “physical appearance is a notoriously unreliable basis for assessment of chronological age” and “demeanour can also be notoriously unreliable and by itself constitutes only ‘somewhat fragile’ material” (*NA v LB Croydon* [2009] EWHC 2357 (Admin), per Blake J at paras. 27-28).
39. The BM IPs submit it is *necessary* (such that the Chair would not be able to determine the issue without it)³² for the Inquiry to obtain expert evidence addressing the following issues:
- a. Racialised assessment and profiling of physical appearance and demeanour.
 - b. Adultification³³ of Black (and Brown) boys in the age assessment process.
 - c. Dehumanisation and a culture of disbelief.
 - d. Criminalisation of asylum seekers, including age disputed children unlawfully wrongly prosecuted and imprisoned as adults.
 - e. Long standing and systemic safeguarding failure, indicative of impunity.
40. There is clear evidence before the Inquiry demonstrating that these issues were at play at WJF and Manston during the RP, in both the policy/planning and practice on the ground:
- a. Mapping and modelling: A slide deck prepared by Newton entitled ‘Illegal Migration Capacity Modelling: Illegal Migration Board update’ dated 7 April 2022 (**mans0001:00000220**) at p. 12 contains a table called ‘Mapped and Modelled Initiative

³² In the alternative, we submit that such evidence if not considered ‘necessary’ to determine the issues would nevertheless be of assistance to the Chair and is ‘reasonably necessary’ in order for her to make findings on matters within the TOR and LOI.

³³ Adultification is widely regarded as a racialised form of dehumanisation, disproportionately affecting Black children, who are “not afforded the same protection as non-Black peers” in settings where power, bias, and discrimination intersect, including schools and the justice system. This impacts how Black children are viewed, treated, and when they need it “notions of innocence and vulnerability are not afforded” in the way they are other children: Davis J., & Marsh, N. (2020) ‘Boys to men: the cost of “adultification” in safeguarding responses to Black boys’, *Critical and Radical Social Work*, 8(2), 255-259. See also: HM Inspectorate of Probation, ‘Adultification bias within child protection and safeguarding’ (June 2022).

– Summary’. Age assessments are addressed in the section on sovereign borders, alongside criminal offences and accelerated detained appeals. The model assumes that *“50% of UASCs assumed to be adults post improvements to age assessments”*. The first witness statement of Simon Ridley says the same thing. At §305, he notes that on 3 March 2022, the Manston Delivery Board heard *“that the age assessment process, for individuals claiming to be children, could have an impact at Western Jet Foil which needed to be included in the modelling because of the high likelihood of adults claiming to be children”*. Conversely no planning for the possibility of wrongly identifying and detaining children.

b. Examples of racist and dehumanising language, attitudes and actions in disclosure:

- i. An email dated 19 August 2022 from Claire Faxon (ISU) to Lucy Moreton (ISU) states³⁴: *“Sudanese male migrant had claimed to be a minor on arrival at WJF and had been taken to KIU for age assessment ... then transported by Mitie to Manston. He was disruptive on this journey. When he was escorted to the BRS machine he resisted violently ... He was taken to the floor by officers, handcuffed and both upper and lower limb restraints were applied before being arrested ... carried off to a cell van”*.
- ii. An IMB Kent Coat Rota report on a visit to KIU, WJF and Manston, dated 18 August 2022³⁵: *“There was a tall Sudanese male who claimed to be under 18 ... officer noticed there were signs of a beard. The detainee was reminded very politely, that it was an offence to lie to an officer. The detainee continued to claim to he was under 18”*.
- iii. Fortnightly report produce by the BRC, dated 7 October 2022³⁶: *“In one incident on 22 September 2022, the Interforce staff member who was responsible for photographing arrivals stated that he was having some fun with the ‘supposed children’ and ‘playing a little game with them’.*

On that day, Red Cross staff also documented Interforce staff waking up young people to create more space, shouting at them, calling them ‘liars’, saying that

³⁴ mans001:00007613

³⁵ mans001:00000586

³⁶ mans001:00013601

they needed to ‘be treated like that to understand’, telling children to ‘shut up’ and ‘stop crying’ [...]”.

iv. BRC Channel Crossing Pilot: Fortnightly Report, 23 September 2022³⁷:

“British Red Cross staff have observed routine shouting at both adults and children; mocking young people who give their age as under 18 [...]”

c. Evidence from Bhatt Murphy IPs: We provide examples of age assessments which include photographs of our clients on arrival, which demonstrate why the descriptions of physical appearance on arrival were wrong and/ or unfair.³⁸ For example, the age assessment of SAD asserts that he has “visible grey hairs” and a “receding hairline”, when the photo taken of him by assessors shows that plainly is not the case. There are also multiple examples of racist and/ or demeaning comments made during assessments and in age assessments reports. For example, IAJ (para.24) explains that during the initial age assessment, the interpreter told him that one of the officers was saying to the others: “Africans look young even though they are adults, they lie and say they are children”. BAZ (para.21) refers to racialised/ adultifying observations made in the age assessment report: “Facial hair going all the way down the neck, Prominent adams apple, Rough aged skin, Broad shoulders, Very hairy hands [...]”. OAB (para.31) speaks of being “mocked and laughed at as [he] tried to tell them [he was] a child”.

41. Ms Harris of HFRN provides evidence, inter alia, about the prevalence of racialised profiling/ stereotyping and comments and the ‘adultification’ of age disputed children during initial age assessment [4.26.11]-[4.26.16]. Ms Harris addresses criminal prosecution of children at [10.9]. It is notable that most age disputed children wrongly prosecuted were Black African, particularly from Sudan and South Sudan [4.26.15].

42. The process of criminalization and ‘prisonisation’ of immigration detention identified by Professor Bosworth in the Brook House Inquiry is clearly at play here. Criminalising the act of seeking asylum is a critical departure from longstanding law and protection from penalty for illegal travel and presence if the person sought asylum on arrival or as soon as reasonably practicable. Criminalisation of asylum seekers and other migrants, treating them as “illegals”, and as a threat rather than a person in need is at the heart of the “toxic culture” identified by

³⁷ mans001:00000774

³⁸ For example: (a) first witness statement of EAQ and Exhibit 5 (photographs), paras.16-21; (b) first witness statement of SAD and Exhibit 6 (photographs), paras.21-29; (c) first witness statement of TAG and Exhibit 6 (photographs), paras.27-33; (d) draft witness statement of AAH and Exhibit 3 (photographs), paras.22-28.

the Brook House Inquiry and resulting in a “considerable amount of abusive, racist and derogatory language used by staff towards or about detained people”.³⁹ This is of general relevance but it is clearly an important context informing the “unprecedented” detention of so many children along with the racial profiling, adultification and othering that facilitated the wrongful detention and prosecution of UAS children.

43. In support of this submission, we also provide a report by social worker, Ms Josephine Schofield, prepared in the context of judicial review proceedings brought by one of the BM IPs, anonymised as ‘BM/AGB’ [**Annex D**]. Those judicial review proceedings were brought against the SSHD and the Director of Public Prosecutions (“DPP”), challenging the reliance on initial age assessments and referral of age disputed children for prosecution. In 2025, the claim settled in the claimants’ favour, with the SSHD and CPS conceding that it was unlawful to refer them for prosecution in reliance on SO18 assessments and making policy changes⁴⁰.
44. Ms Schofield is highly qualified and experienced in the field of UAS Children and age assessments [2.1]-[2.8]. Her report, which analyses the age assessments carried out in the case of BM and another UAS Child, demonstrates how racial/ ethnic stereotypes about physical appearance and demeanour are not only contrary to published policy and best practice but are discriminatory, by failing to “allow for individual difference within a racial/ ethnic population” [5.1.55]. It was her view that the assessment in that case was not a reliable basis for referring AGB as an adult for prosecution, and that there was a missed opportunity to safeguard him [5.3.1]. She refers to a report by the Helen Bamber Foundation, HFRN and Asylum Aid⁴¹ which found that in 2022, 63% of cases age disputed by the Home Office were later found to be children [5.3.3].
45. The Inquiry may wish to consider the instruction of an expert social worker, for example Ms Schofield, with expertise in issues relating to UAS Children and age assessments. However, taking a proportionate approach to the instruction of experts and where the issue upon which expert evidence is necessary (rather than of assistance) is that of broader institutional culture and racism of which the treatment of children is an important aspect, the BM IPs submit that a satisfactory course would be the instruction of a general expert on institutional culture and racism to comment on issues pertaining to children among other matters.

³⁹ Brook House Inquiry, Report of Professor Mary Bosworth (17 November 2021), 3.16; Medical Justice, ‘The Brook House Inquiry: Briefing on Key Issues’ (December 2022), p. 11; The Brook House Inquiry Report, Volume II (September 2023), pp. 3, 227-229.

⁴⁰ mans001:00076845

⁴¹ Also discussed in the witness statement of Maddie Harris, HFRN at [2.10].

46. Drawing this evidence together, the BM IPs submit that the policy and practices followed by Home Office decision-makers carrying out initial age assessments of UAS Children at WJF and then detained at Manston during the RP require expert analysis not simply as to whether the *Assessing Age* policy was followed or not, but also when asking why, to examine the role which institutional cultures of impunity, dehumanisation, xenophobia and racism played in the treatment of such children who we say were viewed and treated not as children, but as criminals, to be approached with suspicion, derision and disregard for their welfare and fundamental rights throughout the processes at WJF and Manston leading to detention, in some cases prosecution and on release into the community into adult hotel accommodation where the risk of harm continued.

Readiness and timetable for future hearings (4f and g)

47. The BM IPs note the update provided in the CTI Note on outstanding work and readiness for hearings and appreciates that the Chair will not announce the timetable for substantive hearings until she has heard submissions and considered the applications for further expert evidence.

48. We appreciate that there are several variables impacting on the hearing timetable. However, we would ask that the Chair announce a provisional timetable as soon as possible after the Second Preliminary Hearing. It is expected that we speak for all the legal teams when we express our commitment to assisting the Chair in fulfilling the TOR of this important Inquiry. At the same time, challenges arise in the management of diaries and other professional commitments in the absence of a clear indication with sufficient notice of when and for what duration the Inquiry expects to hold hearings and require submissions.

49. Finally, and whilst in view of the work outstanding it is improbable that the Inquiry will be ready to commence hearings in December 2026 or January 2027, we respectfully note that a start date either immediately before or after the Christmas period will pose significant difficulties, impeding preparation. A start date of no earlier than mid-February 2027 or later appears necessary for effective participation of IPs, particularly taking into account the need for cooperation to avoid duplication which is accepted to be necessary but requires additional time to be factored in. This will assist the Inquiry and reduce costs overall.

STEPHANIE HARRISON KC

NADIA O'MARA

Garden Court Chambers

Bhatt Murphy Solicitors, 11 September 2026

ANNEX A - Further individuals or organisations to obtain witness statements from [4.a]

	Individual	Role/ Department	Reasons	Relevant Refs
1.	Boris Johnson	Prime Minister until 6/9/22	- Mr Johnson was the Prime Minister ("PM") with overall responsibility for the actions of the government during most of the relevant period. He established and chaired the Small Boats/Illegal Migration Taskforce to tackle the small boats issue and the cross-governmental approach. - Mr Johnson, alongside the Chancellor, provided a financial package for the small boat response on 9/3/22. It is clear that the funding decisions by the PM impacted the Home Office's response to small boats crisis and the resources they had to tackle it. The PM's evidence would assist the Inquiry to understand the decision-making at the top level of government (see e.g. Ms Patel's statement raising concerns about available funding at §127-8, Mr Ridley's statement at §389-39). - The PM took the decision and publicly announced on 14/4/22 that the MoD was taking operational command of responding to small boats crisis, announced the MEDP scheme with Rwanda and made announcements on Manston (Patel §153). He is in the position to assist the Inquiry with evidence as to the basis for these wider policies and how they impacted the establishment of Manston and provision of onward hotel accommodation, particularly given the funding concerns summarised above. He is also likely to assist the Inquiry as to the MoD's role at Manston, and how the interactions between the Home Office and MoD were managed at government level. - Ms Patel's evidence further states that the reduction of hotel usage and focus on reception centres, in line with Ms Patel's decision to "<i>pause further procurement of hotels at the end of June 2022</i>", was "<i>in line with 'the position of the Prime Minister'</i>" (Patel §184). Mr Johnson is likely to be able to provide the Inquiry with evidence relevant to key decision-making concerning the alternatives to detention at Manston. - Ms Patel's evidence is that Mr Johnson's resignation and the extensive leadership contest that followed had a big impact on the work to tackle small boats (see e.g. §190-191 and §243). Mr Johnson will be able further to comment on these issues.	Priti Patel's witness statement ("WS") [mans001:000769 78]; Simon Ridley's WS [mans001:000735 89]

	Individual	Role/ Department	Reasons	Relevant Refs
2.	Rishi Sunak	Chancellor until 5/7/22 Prime Minister from 25/10/22	- There is currently a lack of evidence at Ministerial level from the Treasury as to how Manston was funded and whether the funding was sufficient. There is currently only a brief statement from a civil servant (Conrad Smewing). As Chancellor, Mr Sunak was responsible for signing off the small boats response package of financial support on 9/3/22 described above. - Further, Mr Sunak became Prime Minister at height of the relevant period. He was responsible for much of the public response to Manston including answering questions at PMQs on 2/11/22 (Ridley §1089). Ms Braverman's statement further states that Mr Sunak was very involved in the creation of a non-detained site at Manston (§82-83) and notes they had regular meetings concerning Manston (§103). Mr Sunak is likely to be able to provide evidence on the briefings he received, and decisions taken at the government level. - The statements from Ms Patel (§191, 214-215) and Mr Jenrick (§32viii) refer to Mr Sunak withdrawing support for using RAF Linton as an alternative asylum accommodation centre, which in their view would have relieved pressure on Manston, and for reasons they assert were overtly political relating to the Conservative leadership election. Mr Sunak's evidence would be able to respond to the criticism and explain the rationale for the decision. - The evidence further records Mr Sunak taking part in relevant decision-making in November 2022 about the option of bailing those detained to no fixed abode (Ridley §1090-1091, §1140-1141, §1154; Eastaugh §102). Mr Sunak's account is necessary for the Inquiry fairly to address the developments in the final month of the relevant period and responsibility for decision-making during that time.	Priti Patel's WS [mans001:000769 78]; Simon Ridley's WS [mans001:000735 89]; Suella Braverman's WS [mans001:000769 79]; Conrad Smewing's WS [mans001:000769 77]; Robert Jenrick's WS [mans001:000775 81]; Anthony Eastaugh's WS [mans001.000761 17]
3.	Simon Clarke (and/or those who followed him in role)	Chief Secretary to the Treasury ("CST") up to 6/9/22	As stated above, there is limited witness evidence from the Treasury as to funding arrangements for Manston. Conrad Smewing's WS (§12) refers to the CST as being "<i>responsible for public expenditure including spending reviews and in-year spending control</i>". On 11/4/22 CST confirmed additional £1.25billion in reserve funding over three years for policy programme on Illegal Migration Task Force, which involved work on developing Manston and related policies/centres it is noted that funding was relaxed for hotel accommodation: Smewing §44-45. Mr Clarke's evidence is likely to help the Inquiry understand the background to the key funding decisions.	Conrad Smewing's WS [mans001:000769 77]

	Individual	Role/ Department	Reasons	Relevant Refs
4.	Witnesses from the Prime Minister's Office	Various	- No Downing Street official appears among those from whom statements have been sought, yet No.10 had a key role in decision-making over the relevant period: (i) the December 2021 site-selection was driven by "<i>an urgent request from Number 10 and the Cabinet Office's Illegal Migration Taskforce</i>" (Ridley §163); (ii) the No.10 Private Secretary for Home Affairs conveyed the Prime Minister's requirement for "<i>a step change of ambition</i>" (2,500 detention places by February 2022 scaling to 30,000 by June) (Ibid, §211-212) – the pressure under which it appears lawful design of Manston was abandoned; (iii) No.10 and the Chancellor of the Duchy of Lancaster ("CDL") determined "<i>only MOD sites could be used</i>" (§161); (iv) the Prime Minister received small boats briefings from December 2021 (Eastaugh §28) and a "<i>show and tell</i>" at Lydd (Eastaugh §45); and (v) in November 2022 the Home Secretary's position on the non-detained area was "<i>comfortable ... subject to No 10</i>" (Ridley §1156). - A statement from the Private Secretary for Home Affairs would assist the Inquiry understand the relevant discussions and decisions by No. 10.	Simon Ridley's WS [mans001:000735 89]; Anthony Eastaugh WS [mans001.000761 17]
5.	Hannah Guerin	Priti Patel's Special Advisor	- Ms Guerin was Priti Patel's special advisor throughout relevant period that she was Home Secretary. She facilitated and attended meetings on key issues related to Manston and fed into the discussions and decisions (Patel §85, 127, 167, 171, 193). She was copied into almost all emails going to the Home Secretary and attended Small Boats Strategy Meetings (e.g. mans001:00000048). The evidence suggests that Ms Guerin's advice was key to Ms Patel's decision-making, including when she overruled Ministers on relevant decisions (in particular in relation to bailing individuals from Manston) (mans001:00004222). Ms Guerin briefly stayed on to transition Ms Braverman when she became Home Secretary (Braverman §15) and is likely to be able to comment on how the transition impacted the situation in Manston. - More generally, we invite the Inquiry to consider the role of Special Advisors in decision-making related to Manston and whether others should be identified as needing to give evidence; see e.g. email chain 24/10/22 which suggests Special Advisors were making decisions on what additional asylum hotels could be approved (mans001:00004373).	Priti Patel's WS [mans001:000769 78]; Suella Braverman's WS [mans001:000769 79]; mans001:0000004 8; mans001:0000422 2; mans001:0000437 3

	Individual	Role/ Department	Reasons	Relevant Refs
6.	Nadhim Zahawi MP	CDL, 6/9/22 to 25/10/22	- The Inquiry has indicated that it recently sought (or is about to seek) statements from Kit Malthouse MP and Steve Barclay MP (CTI's Note, §11(d)-(e)), each of whom held the office of CDL during the relevant period (Mr Malthouse: 5/7/22 to /6/9/22, Mr Barclay: 15/9/21 to 5/7/22). Two further holders of that office during the relevant period – Nadhim Zahawi (6 September to 25 October 2022) and Sir Oliver Dowden (from 25 October 2022) – do not appear to have received requests but are able to provide relevant evidence covering periods of their tenure. Given the Cabinet Office's significant role in relation to Manston (reflected in its designation as an IP), we invite CTI to make requests of Mr Zahawi and Sir Dowden. - In particular, Mr Zahawi held the office throughout the period in which (i) officials reported being "<i>consistently in breach</i>" of the 24-hour limit (Ridley §720); (ii) His Majesty's Prison and Probation Service ("HMPPS") reported that "<i>the operation of Manston was unlawful</i>" (Ibid §863), (iii) 2,920 people were recorded as held in excess of 24 hours (Ibid §989), and (iv) the risk of unlawful detention at Manston featured on Cabinet Office stocktake agendas (Ibid §§441, 445, 1061). A statement is required from Mr Zahawi as to the operation of the CDL-chaired machinery between 6 September and 25 October 2022, what it was told about unlawful detention at Manston, and what decisions or interventions it made (or declined to make) to address conditions and unlawful detention of people in Manston.	Simon Ridley's WS [mans001:000735 89]
7.	Sir Oliver Dowden MP	CDL, 25/10/22 to 5/7/24	- Sir Dowden's tenure covers (i) the Western Jet Foil ("WJF") attack and evacuation to Manston (Ridley §§1053, 1059), (ii) the site's peak of over 4,000 people, (iii) the Cabinet meeting of 1/11/2022 at which the Home Secretary's speaking notes recorded "<i>we are detaining individuals for far longer than our statutory powers permit</i>" (§1076), (iv) the Prime Minister's 11/11/22 refusal to bail individuals to no fixed abode (§1140), (v) the Cabinet Secretary's 18/11/22 site visit (§1176), and (vi) the Cabinet Office-facilitated recovery under Lt Gen Skeates, who had worked in the Cabinet Office on small boats since January 2022 (§909 fn 1097; fn 500). - As the minister responsible for the Cabinet Office and the cross-government coordination machinery during the recovery and emptying of the site Sir Dowden should be asked to address the government's decisions relating to detention at Manston from 25 October 2022 onward.	Simon Ridley's WS [mans001:000735 89]

	Individual	Role/ Department	Reasons	Relevant Refs
8.	Gareth Hills	Home Office Senior Director for Returns and Detention Operations	- Mr Hills was the Home Office’s “<i>recognised Subject Matter Expert</i>” on what was required to operate a Short-Term Holding Facility (“STHF”), contributing on detainee welfare and the practicalities of minimising harm and risk (Eastaugh §15). - The Home Office’s corporate statement shows that expertise of this kind was repeatedly sought and overridden: (i) Detention and Escorting Services (“D&ES”) officials warned that Manston’s processes were “<i>not compliant with the Short Term-Holding Facility Rules and the Immigration Act 1971</i>” (Ridley §425); (ii) the Director of D&ES insisted in May 2022 on compliance with the STHF Rules and on Ministers being informed of detention beyond 24 hours (Ridley §413); (iii) D&ES produced the July 2022 pre-inspection report (Ridley §541); and (iv) a senior Returns and Detention official refused to recommend to Ministers “<i>a course of action that we know would lead us to act unlawfully</i>” (Ridley §517). - A statement from Mr Hills would speak to the timing and content of the advice given by the government’s own expert, and any the government’s responses to it.	Simon Ridley’s WS [mans001:000735 89]; Anthony Eastaugh WS [mans001.000761 17]
9.	Jonathan Baker	Assistant Director, Health and Safety Manager, Clandestine Channel Threat Command (“ CCTC ”), Home Office	- Mr Baker was the “<i>the site Health and Safety Manager</i>”, and a recurring actor in the Home Office corporate witness statement who received the vast majority of the safety warnings the Inquiry will examine. - These include: (i) the fire-safety concerns of the Crown Premises Fire Safety Inspectorate (“CPFSI”) of 5/1/22 were addressed jointly to him (Ridley §217); (ii) he was the Manston contact for Medevent escalations (Ibid §537); (iii) he responded to the August 2022 coach-restraint incident (§§588, 601); and (iv) he was the recipient of, and respondent to, the CPFSI’s 8/9/22 warning that the Officers’ Mess would “<i>not be safe to house anyone</i>” sleeping (§§698–699). - He is likely to be able to provide further information about what risk assessments existed, if and how warnings were escalated, and why documented fire and safety risks persisted to the November 2022 audits (§§1204–1205).	Simon Ridley’s WS [mans001:000735 89]

	Individual	Role/ Department	Reasons	Relevant Refs
10.	Dr Neil Honeyman	Director and Chief Technology Officer (“CTO”) within the CCTC	- The Home Office corporate statement describes systemic technology failures within the command’s remit: (i) site WiFi that “<i>could only support 15 laptops whereas 60</i>” were needed (Ridley §317), (ii) a shortage of biometric capture machines (Ibid, §§296–298), (iii) the absence of any “<i>method for tracking the duration of individuals on site</i>” as late as March 2022 (§331), (iv) the Pronto-based detention clock whose start point was moved on legal advice (§§421–422, 450), and (v) more generally, data systems the Skeates Review found “<i>not fit for purpose</i>” (§1196). - The CTO is likely to assist the Inquiry to understand the procedures for record keeping, reasons why appropriate systems were not delivered, and why the true scale of detention at Manston cannot be reconstructed from Home Office records.	Simon Ridley’s WS [mans001:000735 89]
11.	Dan Hobbs	Director, Asylum, Protection and Enforcement, Home Office	- Mr Hobbs gave evidence on Manston to the Home Affairs Select Committee on 26/10/22, alongside the Manston Senior Responsible Officer (“SRO”) and Director General for Customer Services (Ridley §1028). The briefing prepared for that session stated the site was “<i>neither overwhelmed nor under resourced</i>” and “<i>any period of detention is as brief as possible</i>” at a time when 2,920 people at the site had been recorded as held in excess of the 24-hour legal limit (Ibid, §989) and its own Permanent Secretary was seeking advice on “<i>how to make Manston lawful</i>” (§995). - A statement from Mr Hobbs should address who settled the briefing line, what he knew of the true position when the Committee was briefed, and if and how it was reconciled with the internal record.	Simon Ridley’s WS [mans001:000735 89]
12.	Ailish King-Fisher and Joy Johnston	Deputy Directors, Resettlement, Asylum Support and Integration, Home Office	- The 18/7/22 briefing to the Home Secretary’s Private Office from the directorate set out the impacts of the June 2022 decision to pause hotel procurement (Ridley §543(vi)). A Deputy Director responded on 5/9/22 to the Crown Commercial Services costings for cruise ships and holiday parks, confirming Asylum and Protection’s lead on accommodation solutions (§676). The Home Office’s evidence attributes Manston’s blocked outflow to “<i>a ministerial decision</i>” on hotel bookings (§734). - The officials who documented the impact of that decision in real time can provide material evidence as to ministerial knowledge and the practicability of alternatives to hotels.	Simon Ridley’s WS [mans001:000735 89]

	Individual	Role/ Department	Reasons	Relevant Refs
13.	Alex Fraser	British Red Cross, UK Director of Refugee Support and Restoring Family Links	- The Inquiry has received a statement from the British Red Cross's ("BRC") Eleanor Shepard, whose fortnightly pilot reports documented conditions on the ground (Ridley §755). It has not, however, requested a statement from Mr Fraser, the author of the BRC's formal escalation letter of 13 October 2022 to the Director General for Asylum and Protection. - That letter may well be among the most significant contemporaneous documents before the Inquiry. According to the Home Office corporate statement, it (i) warned that conditions at WJF and Manston "<i>constitute inhuman and degrading treatment</i>", (ii) identified a "<i>real risk</i>" of violations of Articles 3 and 5 ECHR (Ridley §§929-932), and (iii) it recorded the BRC's assessment that arrivals were not "<i>in excess of what you expected and therefore could have planned for</i>" (§932). The Home Office's documented response was that the letter "<i>needed careful handling</i>", copying in the Press Office (§933). - A statement from Mr Fraser would assist the Inquiry in establishing the evidential basis on which the BRC reached its Article 3 assessment, what concerns the organisation had escalated to the Home Office before resorting to a formal letter and any actions taken by the Home Office in response. This goes directly to the Home Office's knowledge of the Article 3 threshold being engaged.	Simon Ridley's WS [mans001:000735 89]
14.	Pierre Makhoul	Former Director of Bail for Immigration Detainees ("BID")	Mr Makhoul was at the relevant time the Legal Director at BID, the largest charity in the UK assisting immigration detainees applying for bail. He gave oral evidence to the Joint Committee on Human Rights on 16/11/22 in which he discussed how despite the number of individuals detained at Manston and the lengthy periods for which they were held, BID were never contacted by a detainee to assist with applying for bail. He would be able to give important evidence concerning the absence of legal advice at Manston or of information to detainees concerning their entitlements and how to access legal advice, and the contrast with provision made at other places of immigration detention, as relevant to Issue VI(27).	https://committees.parliament.uk/oralevidence/11569/pdf/

	Individual	Role/ Department	Reasons	Relevant Refs
15.	Detention Custody Officers and guarding staff (inc. Mitie, Interforce and Security staff), to include Site Managers/Directors	Mitie and Interforce	- We recommend that the Inquiry ensures that it has sufficient statements from individuals who worked shifts in the marquees and barrack blocks. The treatment issues at the heart of Section VI of the List of Issues (Issues 24–25) – including the alleged use of force, threats to withhold food, threats of removal to Rwanda and the use of isolation buses as punishment (Ridley §§588, 601, 633, 930) – occurred in their presence, at a guarding ratio recorded on one occasion as two guards to 120 people (Ridley §555). So far, only three Mitie Detention Custody Officers appear on the provisional list, and no Interforce ground staff (Mr Boswell being a corporate witness). - We also recommend that statements be obtained from relevant site managers/directors who worked on the ground at Mitie and were involved in day-to-day management of these officers and who would liaise with Home Office/Border Force officials and the healthcare contractors. The Site Operations Manager, Paul Morris of Mitie, is a key example. Mr Baxter’s statement (§17-20, 48, 57) confirms the key role Mr Morris played in managing the site, and actions of relevance to public health issues and the death of Mr Ahmed. We note that Mr Morris is listed on each monthly update as someone who the Inquiry is keeping under review as a potential witness.	Simon Ridley’s WS [mans001:000735 89]; Andy Baxter's WS [mans001:000501 72]
16.	Officers who conducted asylum screening interviews and age assessments on the ground (inc. GSA Global Staff)		His Majesty’s Inspectorate of Prisons (“HMIP”) found the average detention of unaccompanied children was 27 hours (Ridley §569), and the mocking of young people who gave their age as under 18 is documented in the Home Office corporate statement (Ridley §755). Issues 4, 14 and 25(c)–(d) cannot fairly be investigated without evidence from those who carried out screening and age assessments in practice. <u>See example below for BM IPs.</u>	Simon Ridley’s WS [mans001:000735 89]

	Individual	Role/ Department	Reasons	Relevant Refs
17.	Border Force officers deployed to front-line duties at WJF and Manston, including site managers for Border Force		We recommend that the Inquiry ensures that it has sufficient statements from individuals who received arrivals, escorted people between sites and witnessed contractor conduct at first hand (see, for example, the officer instructed not to travel on coaches on which Interforce escorts were not carrying handcuffs, Ridley §601). This should include relevant site managers. <u>See examples below for BM IPs.</u>	Simon Ridley's WS [mans001:000735 89]
18.	Members of Manston Detention Monitoring Team; on-site welfare & safeguarding staff		We recommend that the Inquiry ensures that it has sufficient statements from individuals whose reports documented vulnerability, self-harm and the conditions in which families and children were held (e.g. Ridley §§740, 825). The Head of that team (Mr Butler) appears on the list; but those who monitored welfare in the marquees day-to-day and are likely to provide relevant evidence are not.	Simon Ridley's WS [mans001:000735 89]
19.	Reinette Martin	Social worker manager, Home Office	- Eleanor Shepard's statement (§78) describes there being social workers at WJF and refers to Ms Martin. - Evidence from the manager about the team's remit, roles and responsibilities is required to understand the safeguarding available to those detained. This evidence is relevant to the Inquiry's list of Issues 25(b)-(d (safeguarding); and 3-5 (Initial entry).	Eleanor Shepard's WS [mans001:000736 70]
20.	Dr Gayatri Amirthalingam & Dr Rebecca Cordery	UKHSA Diphtheria Incident	The UKHSA Diphtheria Incident Directors were directly involved in the assessments and recommendations for the management of Diphtheria, including the implementation of the UKHSA recommendation to deliver mass antibiotic prophylaxis and vaccination for unaccompanied asylum-seeking minors arriving in the UK [mans001:00013167]. Their evidence is relevant to the Inquiry's List of Issues 33 (control of infectious diseases) and 46 (disease and infection control, Mr Ahmed).	mans001:00013167; others include: mans001:00034227; mans001:00011132; mans001:00013174

	Individual	Role/ Department	Reasons	Relevant Refs
	BM Specific requests			
21.	IO Adams ACIO Profitt Unknown social worker	Age assessment staff for BM/AAH	- Staff present and responsible for age assessments, links to List of Issues s.3-4. - The comments included in BM/AAH's BP7 Age Assessment report are expressly racialised, stating shaving "is not a feature of Eritrean children" and we consider it necessary to have direct evidence concerning the training and practice of staff.	n/a
22.	IOs Charlotte Marsh; Oliver Denne	Immigration Officers	- We understand these IOs completed the initial search and arrest for BM/AXK, BM/JXA, BM/AXS, BM/QXA, BM/AYA & BM/AXM, who include five young children. - BM/AXS had her glasses taken during the search, leaving her unable to see properly for the duration of her detention. Evidence directly from the IO who conducted these searches and confiscation of property is required to understand why such events took place, including whether it was the result of a lack of training and/or processes and/or other reasons.	n/a
23.	IO R.Mossman	Immigration Officer	- R Mossman signed versions of IS.91R Detention forms for BM/ABH, BM/JBI, BM/BBK & BM/BBJ which record the power of detention being used was s.16(1) Schedule 2 IA 1971. - Handwritten copies of IS.91Rs provided to these IPs are signed by a different person and provided a different detention power. - Evidence directly from the IO who completed the form is required to understand why such errors occurred, including whether it was the result of a lack of training and/or processes and/or other reasons.	n/a
24.	IO Nabillah	Immigration Officer	- IO Nabillah signed a version of IS.91R Detention forms for BM/TAG which records the power of detention being used was s.16(1) Schedule 2 IA 1971. - A handwritten copy of an IS.91R provided to BM/TAG was signed by a different person and provide a different detention power. - Evidence directly from the IO who completed the form is required to understand why such errors occurred, including whether it was the result of a lack of training and/or processes and/or other reasons.	n/a

ANNEX B – Witnesses who should be on provisional list for oral evidence [4.b].

We reserve our position on those whose witness statements we have not seen yet (including those listed above) pending a review of their evidence, but of those who have provided witness statements, we believe the following should also give oral evidence:

	Individual	Role/ Department	Reasons	Relevant Refs
1.	David Neal	Independent Chief Inspector of Borders and Immigration (“ICIBI”) during Relevant Period	- David Neal was the ICIBI during the Relevant Period. It is clear that the ICIBI was the most evidentially important inspectorate and will be crucial to giving evidence on point VI(30) on the List of Issues relating to the regulatory oversight and inspection of Manston. The ICIBI has a statutory role under Section 50 UK Borders Act 2007 to inspect specific matters requested by the Home Secretary and that was the basis of their inspections into Manston, WJF and Tug Haven during the relevant period. - We note the Independent Monitoring Board (“IMB”) and HMIP are due to give oral evidence. We note we have not yet seen Mr Neal’s evidence, but his evidence is of such importance we believe we are in a position now to say he should be called to give live evidence. - Mr Neal in his role inspected Tug Haven and WJF in January 2022 and therefore is well placed to assist the Chair in considering evidence under III of the List of Issues relating to initial entry and how people were processed at WJF. He is well placed to comment on various stages of how Manston ran in terms of conditions and management of the site: he visited Manston in January 2022 and raised concerns about its capacity and ability to handle large arrivals and manage vulnerabilities (Ridley §230, 241); returned on 20/4/22 and raised concerns about management and resources of the site (Ridley, §405); returned again in October 2022 where he made a significantly critical report during the height of the crisis at Manston. - Mr Neal’s findings and views were not just confined to evidence that can be found in the ICIBI’s reports. Notably, his April 2022 visit did not lead to a report or formal inspection. It is clear he also met with Home Office and CCTC officials (Ridley § 241), Lieutenant Skeates and Dan O’Mahoney (Ridley §1015) to air his views. He also met with Ministers regarding his findings at Manston (Ridley §1099, and mans001:00001384), including meeting with Robert Jenrick on 10 November 2022 (Ridley § 1136 and mans001:00000933). The ICIBI reports are not a suitable substitute for his oral evidence.	Simon Ridley’s WS [mans001:00073589]; mans001:0000093; mans001:00001384 mans001:00001500 https://www.theguardian.com/uk-news/2024/feb/27/sacked-uk-borders-inspector-tells-mps-removed-doing-job-david-neal https://www.theguardian.com/uk-news/2024/mar/27/home-office-tried-cover-up-critical-reports-sacked-uk-border-chief-david-neal https://www.theguardian.com/co mmentisfree/2024/feb/29/james-

	Individual	Role/ Department	Reasons	Relevant Refs
			- Mr Neal's evidence is also important for two further aspects. Firstly, he was the person originally approached by the Home Secretary to discharge her Article 3 duty to investigate what happened at Manston. As the ICIBI, he conducted significant scoping of what was needed to conduct the investigation and met several HO officials and conducted further site visits into Manston into 2023 to gain an understanding of the key issues. His evidence will be important for the Inquiry to understand how the Home Office responded to events in Manston and assist the Inquiry with Issue IX(52) relating to the main changes implemented at Manston in November 2022. - Secondly, Mr Neal was dismissed from his role as the ICIBI in February 2024 after publicly sharing his concerns about the delay of an inspection report. He had earlier faced issues with delays in publishing an inspection report into Tug Haven (not published until July 2022, despite the inspection having taken place in Dec 2021-Jan 2022) and gave evidence to Parliament which was critical of Home Office leadership and transparency regarding the reports (mans001:00001500). Mr Neal's evidence is important for the Inquiry to scrutinise the Home Office response to the ICIBI's concerns and accountability for the failures identified in the reports.	cleverly-borders-inspector-migrant-strategy-home-secretary
2.	Emma Churchill	Director General ("DG") for Migration and Borders from January 2022	- Ms Churchill was the DG for Migration and Borders during the Relevant Period, and in turn the SRO for 'ODP 4' of the Home Office's outcome delivery plan for 2021-22, tackling illegal migration (Churchill §5). She co-chaired the Illegal Migration Board giving direct advice to Home Secretaries (Ridley §453) and attended Manston Delivery board meetings (Churchill §10). The SRO for delivering Manston (Dan O'Mahoney) would report directly to Ms Churchill (Ridley §124-125). It was therefore Ms Churchill's responsibility to deliver the Manston project. It is important for her to give live evidence to explain her operational oversight and be questioned about her leadership role in establishing Manston and its management and responding to challenges relating to outflow and accommodation issues. Ms Churchill's evidence is also vital to understand lines of management, oversight and responsibility (List of Issues at X(53)) see e.g. Churchill §116, mans001:00001789 and mans001:00001792. - Ms Churchill's evidence is further important to understand the response to the findings of HMIP's July 2022 report; the Home Office corporate statement refers to her stating	Emma Churchill's WS (mans001:00076116); Simon Ridley's WS [mans001:00073589]; mans001:00001789 ; mans001:00001792

	Individual	Role/ Department	Reasons	Relevant Refs
			that the “ <i>inspection report should be challenged</i> ” (Ridley §578). It will assist the Inquiry in respect of Issues 13, 30 and 53.	
3.	Anthony Eastaugh	DG for Immigration Enforcement	- Mr Eastaugh was the DG for Immigration Enforcement during the relevant period and was highly involved in the leadership team which set up and managed Manston. He was jointly responsible for defining operational objectives for Manston. His evidence bears directly on Issues 27, 42–44 and 53(b)–(c). He also had heavy involvement and Ministerial liaising the operational response to issues around people not claiming asylum at Manston (e.g. mans001:00073692). On his own account he: (i) authorised the use of Immigration Removal Centres, “<i>against policy and practice</i>”, to relieve pressure at the site (Eastaugh §59); (ii) supported bail from Manston as “<i>the correct professional and moral action</i>” (Ibid §79); (iii) consulted the Home Office’s Ethical Champion on how officials should navigate the ministerial refusal of bail “<i>from an ethical, moral and professional perspective</i>” (Ibid §80); and (iv) on 12/10/22 took “<i>the strategic decision</i>” to authorise releasing people from the site “<i>for safety and necessity reasons</i>” (countermanded within hours) (Ibid §§91–93). He can also speak to (v) the Ministry of Justice’s refusal to make prison estate capacity available (Ibid §18) and (vi) to the limits of military primacy (Ibid §119). His evidence is central to Issue 53. - Mr Eastaugh expressed in strong terms his concerns about the lack of structured planning in setting up Manston and the decision not to bail individuals from Manston (see emails of 23/2/22 and 28/9/22; Tierney §25-7). It is important that these are explored in live evidence to assist the Inquiry to understand the concerns of the civil service leadership team in relation to political decisions concerning detainees’ welfare.	Anthony Eastaugh’s WS [mans001.0007611 7]; Abigail Tierney’s WS [mans001:0007749 5]; mans001:00001184 ; mans001:00073692 ; mans001:00004305
4.	Abigail Tierney	DG for Customer Services until Oct 2022, then DG for Asylum and Protection thereafter	Dr Tierney was DG for Customer Services and took over the Asylum and Protection role from Emma Haddad on 17/10/22 whereby she was immediately responsible and played large role in procuring of hotels (WS §44 onwards). She played a hands-on role in responding to the public health concerns at Manston (WS §58 onwards). She took responsibility for those issues at the time Manston was acutely at crisis and had daily calls with the Home Secretary on accommodation. She then led Asylum and Protection through the emptying of the site and the immediate aftermath of Mr Ahmed’s death (Ibid §106). She is thus an important witness on key issues.	Abigail Tierney’s WS [mans001:0007749 5]; Anthony Eastaugh’s WS [mans001.0007611 7]

	Individual	Role/ Department	Reasons	Relevant Refs
			Dr Tierney is uniquely placed on the question of organisational ethos, which the CTI Note has indicated the Chair will address through the existing issues (Note §§66-71): Mr Eastaugh consulted her, as Ethical Champion, on how officials should proceed “<i>from an ethical, moral and professional perspective</i>” when ministers refused bail (Eastaugh §80).	
5.	Philip Douglas	DG for Border Force	Mr Douglas was appointed by Suella Braverman on 12/10/22 to be the DG responsible for Manston to “<i>establish clear lines of responsibility with a dedicated team with key operational experience.</i>” (Braverman §41). His witness statement confirms that during this period that Manston was treated as a critical incident with him being a Gold commander for the site and visiting at least once weekly (§91-92). Mr Douglas signed off the “<i>Manston Recovery – Plan for a Plan</i>” submission of 22 October 2022 (Eastaugh §96) and led the operational recovery and communications to staff (Ibid §§97, 99, 101). His evidence goes to Issues 42-44 and 51-52. His live evidence will be important to understand how the Home Office managed Manston on the ground during this period and how the critical conditions developed.	Suella Braverman’s WS; [mans001:0007697 9]; Philip Douglas’ WS [mans001:000774]; Anthony Eastaugh’s WS [mans001.0007611 7]
6.	Emma Porter	Director of Future, Planning and Capability, CCTC	- Ms Porter played a key role in the logistical planning and setting up of Manston after CCTC noted that WJF was struggling for capacity. She was involved in multiple Military Aid to Civil Authorities (“MACA”) requests for military support and as part of process of identifying Manston as a suitable site (Porter §14-22) and subsequently became responsible for setting up Manston as a STHF. Ms Porter was also responsible for ensuring accommodation compliance with health and safety provisions – e.g. listing with the CPFSI (Ridley §§209 and 217). She was also responsible for drafting the submission to Ministers on the need to revise the operational model at Manston, and bail options to deal with outflow, in April 2022 (mans001:00000371). She continued to deal with operational issues on site right throughout the relevant period. - Given her role, her live evidence will assist the Inquiry in understanding the decision-making processes involving HO/CCTC officials and ministers. Her statement (§101-3) further sets out concerns about Ministerial failures which ought to be explored in live evidence.	Emma Porter’s WS ([mans001:0007611 5]; Simon Ridley’s WS [mans001:0007358 9]; mans001:00000371

	Individual	Role/ Department	Reasons	Relevant Refs
7.	Stephen Kershaw	Home Office Pay Band 2 Director for Strategic Services and Transformation in Immigration Enforcement	Mr Kershaw reported to the DG and was originally Manston's de facto SRO. He led the Home Office's planning for Manston from early December 2021 until his sudden departure on 10/2/22 (Eastaugh §29). His evidence goes directly to Issues 7, 8, 13, 39 and 53. He can speak to the 15/12/21 decision that Manston would operate as a Holding Room under the Short-Term Holding Facility Rules 2018, with the 24-hour limit that decision entailed (Ridley §189); to the public commitments made about the site; and to the ministerial pressure under which it was established. His <i>"Manston Phase 3 Worry List"</i> of 8/2/22 identified, before Phase 3 began, the unresolved risks which later materialised, and he left without a formal handover to his successor (Kershaw §§35-§36). It is necessary for the Inquiry and in the interests of fairness to examine the founding decisions with the official involved in them, and not just his successors.	Stephen Kershaw's WS [mans001:0004405 0]; Anthony Eastaugh's WS [mans001.0007611 7]; Simon Ridley's WS [mans001:0007358 9]; mans00100001146
8.	Michelle Jarman-Howe CBE	HMPPS	The author of the 7/10/22 letter recording that <i>"The operation of Manston was unlawful"</i> and that it was <i>"unregulated and unsafe as a place of detention"</i> (Ridley §863), following the HMPPS site visit of 6/10/22 (Ibid §945). This is the starkest contemporaneous external assessment of the site's lawfulness. How that assessment came to be made, and the response to it, are matters for oral evidence (Issues 27, 29-30).	Simon Ridley's WS [mans001:0007358 9]
9.	Matthew Drinkwater	NHS Kent and Medway Integrated Care Board	NHS Kent and Medway Integrated Care Board made 13 recommendations to the Home Office as early as January 2022 (Ridley §248) and wrote on 4/11/22 that the manner in which children were being held <i>"contravened"</i> their rights under the United Nations Convention on the Rights of the Child, with children <i>"sleeping on roll mats in unheated"</i> and damp accommodation at risk of diphtheria (Ibid §§1112-1113). This evidence is central to Issues 25(b), 31 and 32-38, and to the treatment of children at Manston. Its importance and likely value justify it being explored in oral evidence.	Simon Ridley's WS [mans001:0007358 9]
10.	Penny Button	Thanet District Council	Thanet's environmental health inspection of 9/9/22 found the catering service unregistered and never inspected for food hygiene, toilets <i>"blocked with excrement on the internal and external areas"</i>, and medical centre staff <i>"unaware of the gastrointestinal illness outbreak"</i> (Ridley §700). This is direct, independent and contemporaneous evidence of conditions (Issues 24 and 33) and of the regulatory oversight of the site, including its efficacy (Issue 30). Its importance and likely value justify it being explored in oral evidence.	Simon Ridley's WS [mans001:0007358 9]

	Individual	Role/ Department	Reasons	Relevant Refs
11.	Ms Sarah Hammond	Interim Corporate Director for Adult Social Care and Health (since October 2025) Corporate Director for Children, Young People and Education (since June 2022)	Ms Hammond was the statutory Director of Children's Services during Relevant Period. Ms Hammond's witness statement addresses: (i) the refusal of Kent County Council ("KCC") to accept unaccompanied asylum-seeking children during the Relevant Period including placing 16- and 17-year-olds at Manston; (Issues 18, 39-42) concerning capacity at Manston; (ii) safeguarding referrals to KCC; (Issues 4, 25) and (iii) children referred following age assessments (Issues 4). Its importance and likely value justify it being explored in oral evidence.	Sarah Hammond's WS [mans001:0007358 6]

ANNEX C: Outstanding disclosure [4d]

	Reasons	Relevant Refs
1.	TagworX inventory data, and/or any other data from the wristband system. Christopher Tilley's statement confirms that TagworX was introduced in August 2022 to better track detention length, however, our disclosure review has not identified any such data having been disclosed by the Inquiry. That data will evidence detention lengths at Manston (LOI, 27).	92(f), mans001:00073676
2.	SBOC scribe sheet', (an Excel spreadsheet held on SharePoint), upon which basic information of those being arrested was inputted. A process described at s.6.5 of the ICIBI report, 'A re-inspection of the initial processing of migrants arriving via small boats, including at Western Jet Foil and Manston January – February 2023'. Again, such disclosure will provide evidence of the number of people being arrested and detained during the relevant period and the processes being followed and has not been disclosed by the Inquiry, or at least no spreadsheet has been identified as this SBOC scribe sheet.	
3.	Aeromed has not supplied any clinical reports apart from those related to Mr Ahmed's treatment. The remaining clinical records are necessary to understand the level of incidents during the Relevant Period, the healthcare provided and provide an indication of the level of healthcare need at Manston during the Relevant time (LOI 32-38).	mans001:00029116; mans001:00040694; mans001:00040692
4.	ClearSprings Ready Homes has supplied daily transport records for some days during the RP but not all. Unless all these records are supplied the numbers leaving Manston cannot be known.	mans001:00008395; mans001:00008395; mans001:00008701

I, JOSEPHINE MARY SCHOFIELD, Director at Immigration Social Work Services Ltd (ISWS), Bury Lodge, Bury Road, Stowmarket, IP14 1JA, will say as follows:

1. INTRODUCTION

1.1 This report has been prepared at the instruction of Mr Mark Scott of Bhatt Murphy Solicitors, in letters dated the 17th of June and the 8th of July 2024.

1.2 The purpose of this statement is to provide my opinion on matters relating to AGB and ■■■s age assessment(s) during their time in the UK, as well as any potential impact this may have had on their development.

1.3 To undertake this report, I have reviewed the documents outlined in section C and have undertaken video calls. The information in this statement is drawn from many years of experience as a qualified social worker employed in local authorities dealing with unaccompanied children, and in an independent social worker capacity, undertaking independent age assessments and providing training to local authorities and non-governmental organisations on age assessment practice. Except where otherwise stated, the facts stated in this report are based on my own knowledge and belief. Where any fact identified in this statement is not within my knowledge, I have provided the source of my information or belief.

2. QUALIFICATIONS AND EXPERIENCE

2.1 I am currently employed as the Director of Immigration Social Work Services Ltd (ISWS) and am authorised to make this statement on their behalf.

2.2 I qualified as a social worker in 2012 and have worked with unaccompanied migrant children for ten years.

2.3 From July 2012 to December 2016, I was employed by Suffolk County Council, at first in the early intervention team supporting a multi-agency team to manage complex cases concerning children in need living with their families and devising care plans and recommendations on support provision to prevent the need for child protection interventions. In 2014 I joined the specialist Unaccompanied Asylum-Seeking Children (UASC) team, becoming the social work lead for trafficking and exploitation and the contact point for social workers to discuss cases where trafficking and modern-day slavery were an identified risk. In this role, I undertook and oversaw age assessments where there was a dispute over the young person's age, and worked to improve processes that affect young people newly arrived in the area. I worked closely with the trafficking and exploitation lead for Border Force, sharing intelligence and establishing pathways to escalate cases of concern as well as co-delivering training to multi-agency professional groups about child exploitation.

2.4 From December 2016 to January 2020, I was the Regional Coordinator for UASC Children at the Strategic Migration Partnership (SMP) for the East of England Local Government Association (EELGA) – an association of 52 local authorities, district and borough councils in the East of England. In this role, I provided strategic and operational support to 11 local authorities, and their Directors of Children's Services to promote good practice of care and support for unaccompanied asylum-seeking children in their area. Each of these local authorities received unaccompanied children either through their own entry points or via the Home Office's National Transfer Scheme (NTS). I also supported local authorities to explore effective ways to perform their statutory responsibilities under the Children Act 1989, within the constraints of reduced resources, for example by looking at commissioning structures for accommodation to help keep costs down whilst maintaining standards in accommodation. Where possible, I also supported local authorities in how to use the NTS to transfer eligible children to another local authority where appropriate. I also set up local multi-agency forums to support local authorities in drawing on other agencies and charities with specialist expertise with this cohort of children, to facilitate a more targeted performance of the local authorities' Children Act 1989 responsibilities. This allowed local authorities to utilise the existing expertise and experience of local

charities and other agencies rather than having to develop their own, which would be duplicative and more costly.

2.5 Whilst in this role, I also helped to implement the NTS in and around the East of England region by helping to co-ordinate the transfer of young people. I also developed the regional rota for the 11 East of England local authorities referred to above. Under this system, which became operational in around January 2017, an NTS transfer request would be made to the SMP, and we would use a rota to determine where in the 11 local authorities (LA) a child would be transferred, based on the child's age and the size/capacity of other LA. This was the basis of the NTS as it operated in the East of England, and it helped avoid a situation where LA "cherry-picked" the children they would receive, for example based on their nationality. In my experience, the NTS rota operated in the East of England worked well: the rota was fair enough to avoid these scenarios and flexible enough to accommodate requests where it was in the young person's best interest, e.g. if a family member was located in the LA. I also co-authored a draft proposal to expand the NTS rota from a regional to a national level.

2.6 I also developed a regional training programme on age assessment to upskill social workers in this field. In order to achieve this aim, I commissioned expert legal practitioners to write and deliver the training, and developed a practice based training course to support social workers development.

2.7 In January 2020, I established ISWS (formerly JMS Training Solutions). In my current role, I support LA's to develop internal policies aimed at helping them to discharge their statutory responsibilities and offer courses to promote high quality practice standards for professionals working with UASC. All of my work relates to the work that LA undertake in supporting their separated migrant populations. We are commissioned by LA across England, Wales, Northern Ireland and Scotland to deliver training, to upskill their staff in areas such as age assessments and navigating the asylum process, write policy's where none existed before and undertake age assessments on their behalf when the LA is restricted by time constraints or lack of staff. I also act as a point of contact for practitioners who have specific queries in their support of UASC. ISWS also carry out

assessments on the instruction from children, including age assessments and needs assessments where there is a dispute in respect of the care arrangements for the child.

2.8 As well as being a registered social worker with Social Work England, I am a member of the British Association of Social Workers and have just been appointed as chair for their unaccompanied asylum seeking children special interest group, having previously co-chaired their age assessment working group. Within this role, we developed the current BASW Age Assessment best practice guidance for social workers. I am also conducting age assessment research with Young Roots and the Public Law Project looking at "good analysis in age assessment" practice.

3. DOCUMENTS REVIEWED

- AGB Initial immigration documents;
- AGB Kent County Council age assessment;
- [REDACTED] photographs and initial immigration documents;
- [REDACTED] RBKC records including age assessment and correspondence with the Home Office;
- Report of Dr Susannah Fairweather;
- Report and addendum report of Dr Aidan McQuade;
- Home Office policy documents:
 - Assessing Age;
 - Detention Services Order 02/2019.
 - https://assets.publishing.service.gov.uk/media/61fa92fde90e0768a0d0bd15/DSO_02-2019_Care_and_management_of_post_detention_age_claims.pdf
 - National Transfer Scheme Protocol for Unaccompanied Asylum Seeking Children (see in particular Annex E: Age disputes)
 - https://assets.publishing.service.gov.uk/media/64ddd30060d123001332c686/National_Transfer_Scheme_NTS_Protocol_for_unaccompanied_asylum_seeking_children_UASC_.pdf

- National Age Assessment Board caseworker guidance
<https://www.gov.uk/government/publications/national-age-assessment-board-caseworker-guidance>
- ADCS / Home Office Age Assessment Joint Working Guidance
- https://assets.publishing.service.gov.uk/media/642552272fa848000cec0f77/Age_Assessment_Joint_Working_Guidance.pdf
- ADCS Age Assessment Guidance
https://adcs.org.uk/assets/documentation/Age_Assessment_Guidance_2015_Final.pdf
- British Association of Social Workers
 - Age Assessment: A Practice Guide
 - <https://new.basw.co.uk/sites/default/files/202311/181311%20Age%20Assessment%20A%20Practice%20Guide%20V3.pdf>
 - BASW UK Statement: National Age Assessment
 - <https://new.basw.co.uk/policy-andpractice/resources/basw-uk-statement-national-age-assessment-board>
- NGO reports;
 - Refugee Council report September 2022 Identity Crisis
 - <https://www.refugeecouncil.org.uk/wpcontent/uploads/2022/09/Identity-Crisis-September2022.pdf>
 - ‘Disbelieved and Denied’, April 2023, by the Helen Bamber Foundation, Humans for Rights Network and Asylum Aid
 - <https://www.humansforrights.org/reports>
 - ‘Forced Adulthood’, January 2024, by the Refugee Council, Helen Bamber Foundation and Humans for Rights Network
 - <https://www.humansforrights.org/reports>
 - ‘No such thing as justice here’, February 2024, by Centre for Criminology at the University of Oxford and Border Criminologies in

collaboration with Humans for Rights Network, Captain Support UK and
Refugee Legal Support

○ <https://www.humansforrights.org/reports>

- AGB's sentencing hearing;
- [REDACTED]'s sentencing hearing;
- [REDACTED] sentencing hearing;
- R v Yousef note.

4. INSTRUCTIONS

4.1 The following instructions were received on the 17th of June 2024.

- Can you review the age assessments and give your opinion on whether the assessments of appearance and demeanour were a reliable basis for the conclusions that they were significantly over 18 and obviously an adult. As well as consideration of the findings of assessment I would be grateful if you could comment on the timing, place, conduct and any safeguards in or lacking from the assessment;
- If appropriate and having regard to the views of the BASW on social worker involvement in National Age Assessment Board (NAAB) any views on social work involvement in this age assessment process;
- Was the assessment of age and determination that an adult a reliable basis for referring as an adult for prosecution, charging, remanding into adult custody, convicting and sentencing;
- Can you comment on safeguarding concerns of treating a child as an adult for referral for prosecution, charging, remanding into adult custody, convicting and sentencing;
- Can you comment on the appropriateness or otherwise of seeking to undertake a Merton compliant age assessment whilst an applicant is in custody;
- Can you comment on the balance to be struck of the safeguarding issues which arise if a child is inadvertently treated as an adult, and if an adult is wrongly accepted as child and how this is addressed in social work practice including the placement options available for those who claim to be children but the Home Office requires further investigations (Outcome 3 cases) or considers are adults (Outcome 1 cases);
- As well as any duty to accommodate can you comment on social care and health duties that exist for UAS children;

- Please comment on any other matters that you think appropriate.

4.2 Further instructions were received on the 8th July 2024;

- Please comment on the safeguarding concerns of treating a child as an adult for referral for prosecution, charging, remanding into adult custody, convicting and sentencing (64d of the letter of instructions) and the appropriateness or otherwise of seeking to undertake a Merton compliant age assessment whilst an applicant is in custody (64e of the letter of instructions).
- Can you comment on how the process or your experiences differ, and what issues you have experienced, if any, and any comments you have about the process of determining age in different courts?

5. OPINION

5.1 Can you review the age assessments and give your opinion on whether the assessments of appearance and demeanour were a reliable basis for the conclusions that they were significantly over 18 and obviously an adult. As well as consideration of the findings of assessment I would be grateful if you could comment on the timing, place, conduct and any safeguards in or lacking from the assessment.

5.1.1 As a general principle it is well established that physical appearance and demeanour are notoriously unreliable in age estimation and should be considered alongside other evidence¹. That said, making decisions at the initial point of arrival is an important part of triaging new arrivals into the correct service, and staff (both from the Home Office and/or from the local authority) are required to take decisions based on limited evidence which is almost always reduced to factors of physical appearance and demeanour in the absence of documentary evidence.

¹ [AB v Kent County Council \[2020\] EWHC 109 \(Admin\) \(23 January 2020\) \(bailii.org\)](#)

When taking these decisions at the port, Home Office staff must therefore pay due regard to the guidance “assessing age”² which highlights the dangers of incorrectly assessing children as adults:

“If a claimant is detained, but a court later finds, or the Home Office later accepts that the claimant who the Home Office has treated as an adult was a child, even if it reasonably believed that the individual was an adult, any period of detention whilst that individual was in fact a child which was not in line with the restrictions in paragraph 18B of schedule 2 to the Immigration Act 1971, will be unlawful and may well result in the Home Office being liable to pay damages”³

- *such a period of detention can have a significant and negative impact on a child’s mental or physical health and development*
- *detention can be extremely frightening for a child, with their perception of what they might experience potentially informed by previous negative experiences of detention suffered by themselves or by individuals they know, in their country of origin or during their journey to the UK*
- *if they believe themselves to be a child, the effect of not being believed by the Home Office and, consequently, being detained, can be very stressful and demoralising*
- *the serious safeguarding risks of detaining unaccompanied children alongside Adults”⁴*

To avoid the above-described scenario, Home Office staff are tasked with triaging new arrivals into one of three categories:

- Outcome 1: Decision made to treat the claimant as an adult

² [Assessing+age.pdf \(publishing.service.gov.uk\)](#)

³ [Ali, R \(on the application of\) v The Secretary of State for the Home Department & Anor \[2017\] EWCA Civ 138 \(09 March 2017\) \(bailii.org\)](#)

⁴ Home Office: *Assessing Age*, pg.14

5.1.2 These cases are often referred to as “significantly over” meaning that two Home Office members of staff have independently assessed that the claimant is an *“adult because their physical appearance and demeanour very strongly suggests that they are significantly over 18 years of age and there is little or no supporting evidence for their claimed age”*⁵

- Outcome 2: Decision made to treat the claimant as a child
- Outcome 3: Decision made to treat the claimant as a child until further assessment of age has been completed.

5.1.3 In the cases of AGB and [REDACTED], Home Office staff considered them to fall into Outcome 1, taking the view that both were “significantly over” 18 years of age at the point of entry.

5.1.4 To better understand how staff reached their conclusions on the ages of AGB and [REDACTED], I examined each assessment to establish the factors the assessors were using to support their estimations. In both reports I highlighted the factors of physical appearance and demeanour, as per the Home Office Assessing Age guidance on placing someone into Outcome 1.

“Two Home Office members of staff, one at least of Chief Immigration Officer or Higher Executive Officer grade, have independently assessed that the claimant is an adult because their physical appearance and demeanour very strongly suggests that they are significantly over 18 years of age and there is little or no supporting evidence for their claimed age” (page 15).

5.1.5 In reviewing the GCID Case Record Sheet for AGB (dated 28.08.2022) and the BP7 of [REDACTED] the staff at entry point follow similar lines of enquiry regarding age.

5.1.6 In AGB’s report there were 21 references to 13 factors of physical appearance, 1 reference to demeanour and 1 reference to credibility (to be further discussed at 5.1.8); whereas in [REDACTED]’s assessment there were 19 references to 12 individual factors of physical appearance, 4 references to demeanour and 1 reference to credibility,

⁵ Home Office: *Assessing Age*, pg.15

demonstrating that physical appearance was significantly relied upon when estimating age in both assessments.

AGB's Age Assessment	
Physical appearance factors	Total number of times mentioned
Tall	1
Facial hair	1
Deep voice	3
Square shaped facial structure	2
Defined jawline	2
Developed nasolabial folds	1
Defined cheek bones	1
Body structure well developed	1
Broad wide shoulders wider than hips	3
Thick wide neck	1
Developed larynx	2
Large limbs	2
Established wrinkles	1
Total number of references to physical appearance	21
Demeanour factors	Total number of times mentioned
Avoids eye contact with assessor	1
Total number of references to demeanour	1
Credibility	Total number of times mentioned
Educational timeline makes him 19+	1
Total number of references to credibility	1

Age Assessment	
Physical appearance factors noted in report	Total number of times mentioned
Muscular built individual	1
Broad shoulders	1
Dense facial stubble on upper lip and chin	3
Well-developed cheek and jawbone structure	4
Deep spoken voice	2
Big hands	1
Prominent brow bone	1
Facial skeleton fully developed	1
Thick wide neck	1
Developed larynx	1
Body bone structure fully developed	2
Limbs are fully developed and proportionate to body	1
Total number of references to physical appearance	19
Demeanour factors	Total number of times mentioned
Confident posture	1
Confident spoken	1
Able to maintain eye contact but avoids it and focuses attention on interpreter	1
Body language is relaxed	1
Total number of references to demeanour	4
Credibility	Total number of times mentioned
Questions on education and timeline did not add up to claimed age	1
Total number of references to credibility	1

5.1.7 Within the Home Office Assessing Age Guidance, there is a section (page 18) advising staff on factors to consider when assessing physical appearance and demeanour, many

of which were referenced in the reports, however, it also provides a substantial list of recognised limitations when using this type of evidence.

5.1.8 On physical appearance, *“when determining the weight to be applied to these, the subsequent information on the limitations on using them must be borne in mind:*

- *ethnicity and genetic background can affect physical appearance, for example:*
 - *it is normal in some cultures for boys to have facial hair at an early age and for girls to develop at different ages*
 - *height is particularly difficult to use as a reliable indicator of age on its own due to being heavily dependent on the height of each parent*
- *there is considerable range of normal physical development during adolescence, even with those who grow up within the same ethnic, social and economic environment*
- *the claimant’s journey to the UK - for example:*
 - *the journey, which may have been long and traumatic with limited opportunities to manage their basic physical health and self-care needs, could have had an aging effect on their appearance*
 - *with good care and some recovery time, the claimant’s physical appearance may appear younger within a short period of time*
- *many asylum seekers have been subjected to poverty which could result in a different physical maturity than would be normally expected of their true age*
- *nutrition (even if they did not suffer deprivation) and illnesses can affect physical appearance*
- *children in some countries are more likely to have engaged in physical work from an early age than children in more industrialised nations – in these circumstances calloused hands are less likely to be evidence of maturity*
- *opportunities to exercise – for example, an individual who exercises regularly may display muscle definition more associated with older people”.*

Home Office: Assessing Age: 2024, pg.18

5.1.9 On demeanour;

“The following information is relevant to the assessment of, and the assignment of weight to, the above potential indicators:

- *trauma, post-traumatic stress disorder (PTSD) and depression may affect the claimant’s demeanour, and this will be particularly prevalent for those who have been tortured*
- *some young people take on responsibilities normally associated with adulthood at an earlier age, for example due to the culture in the country of origin or individual circumstances – in some instances this may result in a demeanour which appears older than their true chronological age*
- *the effect of the claimant’s culture on their interaction with you, for example: some individuals consider direct eye contact to be impolite*
- *the journey, which may have been long and traumatic, could have left the claimant exhausted, emotional and malnourished*
- *the claimant’s interaction with those around them will be affected by their level of understanding of what is going on and language barriers*
- *as a Home Office official, you are an authority figure and their views of those in authority could be informed by potentially negative experiences with officials in the country of origin and in countries visited during their journey to the UK – this may result in them being nervous or uncomfortable in your company*
- *the claimant may not have had a choice in their clothing - for example, their clothing could have been issued to them by a charitable organisation during their journey to the UK or following arrival*
- *observations of demeanour made over a short period of time, such as during asylum registration, will limit the weight that can be applied to them”*

Home Office: Assessing Age: 2024, pg.19

5.1.10 When considering these two cases, staff used the guidance to look for physical appearance and demeanour indicators of age, however, there is no evidence that they considered the limitations of these factors in their decision making. As already calculated in both reports, assessors relied considerably on physical appearance in their decision making.

5.1.11 Research⁶ indicates that an individual's ability to correctly estimate age based on physical appearance is impossible to do with any accuracy, with some research indicating a potential 8-year margin of error. The unreliability of this method is well documented both within the ADCS Guidance⁷ and the BASW Guidance⁸ and should be used with caution. In my opinion, the Home Office staff have not applied the appropriate level of caution when considering these factors.

5.1.12 The physical appearance factors referenced are all linked to endocrine (hormonal) development that would be considered as puberty markers⁹, (well-built features, beard growth, developed larynx etc), however, the practice of using pubescent development in age assessment is not supported by the British Society for Paediatric and Endocrinology and Diabetes (BSPED).

"The BSPED wishes to highlight that it is not possible to accurately assess a child's age based on physical examination or bone age assessment. Children and young people mature at very different rates and an examination can only demonstrate the stage of physical development that child is at, on that day. For example, an 11 year old girl who had an early puberty and has started her periods will be physically indistinguishable from a 15 year old girl who is at the same stage of puberty. The converse is also true – it is not possible to physically differentiate a young person who has delayed puberty from a younger child who is at the same pubertal stage. Bone age X rays will only report the degree of maturity of the bones, which is highly dependent on the child or young person's pubertal stage and physical development. For the same reasons as given above, they cannot be used to accurately age a child or young person".¹⁰

5.1.13 As per the BASW guidance (pg. 10) *"physical appearance (height, physical development, complexion etc) and demeanour (how a person presents themselves) are of course key in age assessment. It is, after all, how we judge people's ages in everyday life. However, oversimplistic interpretations need to be avoided. For example, male*

⁶ [Two sources of bias explain errors in facial age estimation | Royal Society Open Science \(royalsocietypublishing.org\)](https://royalsocietypublishing.org)

⁷ [Age_Assessment_Guidance_2015_Final.pdf \(adcs.org.uk\)](https://adcs.org.uk)

⁸ [181311 Age Assessment A Practice Guide V3.pdf \(basw.co.uk\)](https://basw.co.uk)

⁹ [Puberty - Sheffield Children's NHS Foundation Trust \(sheffieldchildrens.nhs.uk\)](https://sheffieldchildrens.nhs.uk)

¹⁰ [BSPED | Position Statements](https://bsped.org.uk)

facial hair will vary between ethnicities, with some males under 18 being able to have a full beard while males from other ethnicities will have minimal facial hair at 30". In my opinion, the assessors of AGB and [REDACTED] placed significant weighting on puberty markers when drawing their opinion of age without due consideration for other influencing factors, such as the impact of their journey, their diet, their ability to maintain personal hygiene etc.

5.1.14 An additional concern in the factors relied upon in the case of [REDACTED] is that he has a *"well established beard stubble covering the entire bottom half his face, including sideburns, jawline, chin, upper lip, under chin and growing down his neck. The beard is fully connected and his unique beard pattern has established"*. When evidence such as beard development is used to draw a negative conclusion, it is important that the photographic evidence clearly shows this facial hair. The photographs taken at the assessment and reproduced in the report does not appear to support this description.

5.1.15 A second comment about [REDACTED]'s facial hair states, *"this is completely inconsistent with the development of adolescents from his ethnicity. The beard development strongly indicates adult level ageing in the later"*. This comment raises concerns about making judgements based on ethnic stereotypes, where there is no evidence to substantiate this as fact. The statement does not allow for individual differences within a racial/ethnic population and is, in my opinion, discriminatory. A recent joint report led by the University of Oxford and Humans for Rights Network highlighted that in the 15 cases of age disputed children in prison, the majority were of Sudanese or South Sudanese origin¹¹. Although a small sample size, this is a possible indication of a wider issue around racial profiling at the point of entry.

5.1.16 Given the unreliability of assessments of physical appearance and demeanour, in my opinion, when making these decisions at port, it is important for staff to avoid focussing on "how old is this person", rather they should be asking the question *"could this person be a child"*. To answer this question, assessors need to consider all the evidence available to support the triaging process. Within these cases, other evidence

¹¹ [No such thing as justice here Feb 2024 Full+Report.pdf](#)

was presented to Home Office staff, however, this was not considered in their decision making, which in my opinion renders the process unfair.

5.1.17 In [REDACTED]'s age assessment, [REDACTED] provided several references to dates and "time stamps" (something we could plot onto a timeline). For example, [REDACTED] stated he left Sudan on the [REDACTED], - was it an estimate? What was his previous experience of using calendars? He also refers to the date he was fingerprinted in Italy ([REDACTED]), stating he provided the same date of birth he was using in the UK. As above, this was not explored in further detail. Assessors in any subsequent assessment could have asked further questions about his time in Italy, therefore potentially obtaining oral evidence about whether he was treated as a child or an adult in this country.

5.1.18 On credibility, the assessor's comment at the end of AGB's report stating, "answers to educational questions/timeline did not add up", drawing a negative conclusion without further exploration or providing him with an opportunity to respond. As above, had this been further explored, a different conclusion may have been drawn.

5.1.19 The Home Office Assessing Age policy does not consider credibility as something that requires assessment in clear and obvious cases, and only discusses this in the context of a full Merton compliant age assessment. In my view, this is understandable, as when evidence is presented within an initial age assessment, such as at the port, which requires exploration to determine whether the young person is an adult or a child it should no longer be considered "clear and obvious" and should be referred for further enquiries with the appropriate safeguards in place. In my opinion, this cannot be accomplished within the port environment. It would necessitate a referral for a more comprehensive assessment that includes a Minded To process and the support of an appropriate adult. This approach would allow the assessor to address any adverse credibility findings fairly. In the case of [REDACTED], it is my view that the assessors have undertaken an assessment of credibility, without fair exploration or safeguards in place, to bolster their decision on physical presentation which is unfair and unethical.

5.1.20 On the issue of demeanour, the assessors draw adverse conclusions on AGB's demeanour because he could not maintain eye contact, which is interpreted as being

avoidant, but conversely drew a negative inference that ■ maintained eye contact and presented as relaxed and confident, which they also interpreted as a sign of maturity. Although the Home Office guidance states *“the effect of the claimant’s culture on their interaction with you, for example: some individuals consider direct eye contact to be impolite”*, this was not considered within the assessments. In my experience, the appropriate use of eye contact varies across ethnicities, cultures and childhood experiences, and in my opinion is not a reliable indicator of age or credibility. Regardless of the above and based on these two reports, there is no available option for young people to present eye contact in a way that would be interpreted as indicative of a child.

5.1.21 Additionally, I would like to highlight an issue with questions that are impossible to answer in both AGB and ■’s case. AGB is asked *“you appear to be older than you are claiming to be, is there a reason for this?”* and in ■’s case he is asked *“is there a particular reason for why I believe you are older than the age you are claiming?”*. It is difficult to understand how either of those questions could be answered in English, let alone through an interpreter, and what answer the subjects would be required to give to evidence their age. This is one reason why appropriate adults are present in full age assessments, as they provide a level of safeguarding against these types of questions, as per the ADCS guidance (page 22); *“their role is to ensure the child or young person understands the questions posed to them”*. A trained appropriate adult would have been able to challenge the assessors on the questions they asked which were inappropriate and unfair.

5.1.22 According to the ADCS guidance, *“the venue for the age assessment interview(s) needs to be conducive to helping the child or young person feel safe, comfortable and able to participate to the best of their ability in their interview”*¹² and places of detention/processing, such as Western Jet Foil (WJF) are not conducive to providing such an environment as described above. However, a decision on age is required at the initial point of enquiry to ensure that subjects are triaged into the appropriate

¹² [Age Assessment Guidance 2015 Page 17](#)

category as per the Home Office Guidance¹³. Although the guidance refers to the fuller age assessment process, the premise of the guidance remains. In my experience, you are more likely to obtain information from people when they are feeling safe, comfortable and able to participate.

5.1.23 According to the Independent Chief Inspector of Borders and Immigration 2023 Report on the reception arrangements at Western Jet Foil (WJF), age assessments are completed in the main WJF Modular Building¹⁴, where people are administratively arrested and screened for potential vulnerabilities before going through the age assessment process. In my view this environment is not conducive to creating a setting that “feels safe and comfortable”. At the point of conducting these assessments, a decision has yet to be made on age, and therefore all young people, whether age disputed or not will go through this process that is not considered child friendly.

5.1.24 Anecdotal evidence indicates that young people making their way to and through Europe have not always experienced police and border control in a positive way¹⁵. Although many migrants acknowledge the UK as a safe country, in my experience, young people regularly discussed how scared they were at the initial point of arrival due to not knowing what was happening to them and whether they were safe. Although the initial arrest is conducted for administrative purposes, this is not always made clear to the young people who do not understand the UK immigration system and therefore find it stressful and potentially frightening. In my opinion, this environment is not suitable for conducting assessments of age, and will impact the way young people present.

5.1.25 In the cases of AGB and [REDACTED] both were triaged into “outcome one” on the grounds that: *“two Home Office members of staff, one at least of Chief Immigration Officer or Higher Executive Officer grade, have independently assessed that the claimant is an adult because*

¹³ [Assessing Age Home Office page 15](#)

¹⁴ [A reinspection of the initial processing of migrants arriving via small boats including at Western Jet Foil and Manston January to February 2023.pdf](#)

¹⁵ [France: Degrading Treatment of Migrants Around Calais | Human Rights Watch \(hrw.org\)](#)

their physical appearance and demeanour very strongly suggests that they are significantly over 18 years of age and there is little or no supporting evidence for their claimed age”.

5.1.26 Given the difficulties when assessing age at the initial point of arrival, guidance requires the assessors to “strongly believe the young person is significantly over the age of 18”¹⁶. There are two opportunities for subjective interpretation of this policy. The first is “*very strongly suggests*” and the second is “significantly over”. On the first point, assessors must be of the view that the evidence “very strongly suggests” that there is sufficient evidence to disprove the claimed age, however, this is not well evidenced in either report. The evidence is heavily weighted towards the assessor’s opinion on physical appearance, which is highly subjective and incurs a large margin of error that does not appear to have been properly considered. There are also additional concerns with the facial hair evidence relied upon in ■■■’s case, features that do not appear to be recorded on the photographic evidence provided at the time of assessment in the report. In my opinion, the assessors have not highlighted evidence that meets this threshold.

5.1.27 The term “significantly over” is also subjective and has been considered at various points^{17 18}. In October 2013 the Independent Chief Inspector of Borders & Immigration (ICIBI) report *An Inspection into the Handling of Asylum Applications Made by Unaccompanied Children February – June 2013* noted

“We found from staff interviews and our observation of a trainer, that staff were encouraged to use [the] option [of significantly over 18 in] the guidance when perceiving an applicant to be at least 25 years old. One stakeholder report advocated using this policy ‘with extreme caution’, and we therefore found the Home Office’s use of an eight-year age gap to be reassuring as an example of safeguarding, and of seeking to minimise the risk of placing someone under 18 into the adult asylum process”.

¹⁶ [Assessing+age.pdf \(publishing.service.gov.uk\)](#)

¹⁷ [B, R \(on the application of\) v London Borough of Merton \[2003\] EWHC 1689 \(Admin\) \(14 July 2003\) \(bailii.org\)](#)

¹⁸ [BF \(Eritrea\), R \(on the application of\) v Secretary of State for the Home Department \[2021\] UKSC 38 \(30 July 2021\) \(bailii.org\)](#)

5.1.28 In March 2018 the ICIB report An inspection of how the Home Office considers the ‘best interests’ of unaccompanied asylum seeking children August – December 2017 stated

“Inspectors found that views differed within the NAIU about when to use the “significantly over 18” option. Staff at the Asylum Intake Unit (AIU) told inspectors they would assess the claimant as “significantly over 18” if they saw them to be over 20, whereas staff at the Kent Intake Unit (KIU) had no such rule of thumb.”

5.1.29 I was concerned to read that in AGB’s age assessment, the social worker estimated him to be between “20-24” years of age, which in my opinion would not be considered significantly over 18. Someone who presents as 20 could also reasonably be 17 and should have been offered the benefit of the doubt and considered under outcome 3. In my experience of responding to spontaneous arrivals at port, I have consistently found that sleeping rough and arduous migration journeys, both very common experiences in the asylum seeking population, physically age young people and it is common for them to look considerably older at the initial point of presentation especially when experiencing stress. Once they have been given the opportunity to recover from their journey, having slept, eaten, washed and had a change of clothes, it is very common for them to look younger than upon arrival. This is demonstrated by the material in these cases. When comparing [REDACTED] physical presentation at the initial point of arrival, to his photograph following accommodation by the Local Authority, [REDACTED] looks considerably younger in the later photograph.

5.1.30 It is therefore my opinion that the Home Office’s assessment on physical appearance and demeanour was an unreliable method of assessing age, and the limitations of the evidence were not properly considered and addressed.

5.2 If appropriate and having regard to the views of the BASW on social worker involvement in National Age Assessment Board (NAAB) any views on social work involvement in this age assessment process;

- 5.2.1 For transparency, it is important to note that I am chair of the BASW Special Interest Group (SIG) for unaccompanied asylum-seeking children, and although I was not involved in BASW's position statement, as it was taken before my appointment, my views are aligned with theirs. I believe that there is a potential conflict of interest when social workers are employed by the Home Office whether for the NAAB or more generically in the ports.
- 5.2.2 The Home Office reports to the Home Secretary and as per the BASW statement *"leaders shape the ethos of their organisations, and given the political rhetoric of both the current Home Secretary and previous Home Secretary the challenge is for managers and their staff to retain their professional objectivity"*.
- 5.2.3 As previously mentioned, the purpose of an age assessment is to establish whether someone is eligible for local authority social work support, however, uniquely, the Home Office are able to act as gate keeper to these services without any involvement or discussion with local authorities. Under the Home Office age assessment policy¹⁹, the Home Office have the power to undertake enquiries and decide whether or not to refer a potential child in need to the Local Authority. This requires the presence of two officials, one of whom is at least Chief Immigration Officer level. The policy does not make clear whether they are required to have attended training on age assessment or trafficking. An inspection of Western Jet Foil (WJF) by the independent chief inspector of borders and immigration highlighted that the *"safeguarding team are hampered by limited available training resource, overstretched staff at WJF with limited capacity to assess vulnerabilities when arrival numbers are high, and underdeveloped reporting mechanisms. Consequently, vulnerable migrants may be leaving Manston without adequate provision for safeguarding concerns, and the Home Office was unable to provide any data to reassure inspectors that this was not the case."*²⁰
- 5.2.4 Other professions performing similar tasks do not have the authority to decide whether to refer matters to a local authority. For example, when a newly arrived young

¹⁹ [Assessing age \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

²⁰ [Independent Inspection Western Jet Foil.pdf](#)

person is found “in country” and taken to a police station, the police are unable to make a decision on age, as they are unable to meet the threshold in the policy that states “two Home Office members of staff, one at least of Chief Immigration Officer or Higher Executive Officer grade”. Regardless of their opinion, they have a duty to refer the individual to the local authority, who will decide whether the applicant is eligible for children’s services. In my experience the police routinely consider spontaneous arrivals as a safeguarding issue that requires consideration by the local authority.

- 5.2.5 In the cases of AGB and ■■■, the extent of the social workers’ involvement in determining that they were ‘clear and obvious adults’ is unclear. In ■■■s case, it states “witness CIO” and “social worker” in the header, indicating that the interview was conducted by both professionals. On page 4 of the report, it comments on “social workers professional considered opinion...” indicating that they were actively involved.
- 5.2.6 In the “Outcome” section, the report states that the “social workers professional considered opinion based on a combination of observations made on his substantially advanced physical appearance, behaviour and demeanour, observations of lack of credible information provided that the client is more likely between the ages of 25-30 years of age with a probable age of 25”.
- 5.2.7 Due to the lack of clarity within this report, it is unclear how the social worker formed this view and whether they were able to obtain information directly from ■■■ or received it third hand from the Home Office staff. Interestingly, the social workers view on ■■■’s age range was not agreed, as the decision-making official allocated a date of birth that made him 24 not 25. It is not clear why the Home Office staff disagreed with the social workers opinion.
- 5.2.8 Similarly, there is no clarity around the social workers level of involvement in the age assessment process of AGB, other than a description titled “physical observation” and a concluding statement that “this assessment was witnessed by social worker Z Adams who is in agreement that the applicant is between 20-24 years old. The view of the social worker has been given considerable weight due to their expertise of working with children.” It is unclear who was asking the questions and undertaking the enquiries;

however, the report reads as though the social worker was an observational rather than an active participant.

5.2.9 As previously mentioned in this report, it is my view that an assessment that makes an individual 20-24 years old based on physical appearance, is well within the margin of error, and therefore it should have been referred for further enquiry as an Outcome 3 case.

5.3 Was the assessment of age and determination that an adult a reliable basis for referring as an adult for prosecution, charging, remanding into adult custody, convicting and sentencing;

5.3.1 In my opinion, neither assessment had a reliable basis for referring the applicants as adults for prosecution, charging, remanding into adult custody, convicting and sentencing, for the reasons set out in response to point a. There was a missed opportunity to safeguard both AGB and [REDACTED], as both assessments were given too much weight, despite drawing conclusions on limited unreliable evidence.

5.3.2 The Home Office guidance outlines the detrimental impact of detaining children, that in my opinion would extend to the processes of prosecution, charging, remanding, convicting and sentencing.

- *such a period of detention can have a significant and negative impact on a child's mental or physical health and development*
- *detention can be extremely frightening for a child, with their perception of what they might experience potentially informed by previous negative experiences of detention suffered by themselves or by individuals they know, in their country of origin or during their journey to the UK*
- *if they believe themselves to be a child, the effect of not being believed by the Home Office and, consequently, being detained, can be very stressful and demoralising*
- *the serious safeguarding risks of detaining unaccompanied children alongside adults*

Home Office Guidance: Assessing Age, pg. 14.

- 5.3.3 A report²¹ by the Helen Bamber Foundation, Humans for Rights Networks and Asylum Aid found that in 2022, 63% of cases age disputed by the Home Office, were found to be children, demonstrating that the initial assessments of age are unreliable and require further investigation. Through my independent work, I have age assessed a significant number of young people deemed “significantly over” before being dispersed as adults, who then went through the full age assessment process, and we found them to be children.
- 5.3.4 Given the acknowledged risks associated with detention and by extension prosecution and remand to prison, I believe it is imperative that assessors are required to have a high degree of certainty around age, before referring someone to adult prosecution. As previously stated, I feel the assessments completed on AGB and [REDACTED] did not provide the required level of certainty, because the conclusions were drawn on unreliable evidence that did not acknowledge or properly consider the limitations of this evidence, and did not explore the possibility that AGB and [REDACTED] could potentially be children.
- 5.3.5 Where there is an age dispute and staff consider referring them for prosecution, I believe it is imperative that a full assessment of age meeting the Merton criteria is completed, to mitigate the risk of potential children being prosecuted and sentenced as adults, to safeguard them from the risks highlighted above.

5.4 Can you comment on safeguarding concerns of treating a child as an adult for referral for prosecution, charging, remanding into adult custody, convicting and sentencing

- 5.4.1 In my opinion, children who are wrongly treated as adults in the criminal justice system are at risk of harm and not afforded the appropriate safeguards. To demonstrate this, I have broken down the system into stages and highlighted the risks associated at each point.
- 5.4.2 **Arrest:** children newly arrived in the country as unaccompanied asylum seekers, will not, ordinarily, be subject to arrest on account of their age and accepted vulnerability.

²¹ [Children treated as adults HBF HFRN AA April23-1.pdf](#)

5.4.3 Under the National Police Chief Council's (NPCC) National Strategy for the Policing Children and Young People

"It is crucial that in all encounters with the police those below the age of 18 should be treated as children first. All officers must have regard to their safety, welfare and well-being as required under S10 and S11 of the Children Act 2004 and the United Nations Convention on the Rights of the Child.

"Every interaction is both an intervention and an opportunity. Engagement should be positive and opportunities sought to enhance our relationship with them".²²

5.4.4 Of note, is that children should be treated as children first and their vulnerabilities recognised and managed before any criminal investigation. Young people wrongly assessed as adults are not automatically recognised as inherently vulnerable and therefore are not afforded the same level of protection.

5.4.5 As per the report and addendum report of Dr Aidan McQuade included in the bundle, children migrating through Europe lack agency and control, and are vulnerable to influence by smugglers and/or traffickers, therefore, the decision to arrest for entry without permission has in my experience only happened as a method of safeguarding, to ensure that the child is logged on the system, and the correct procedures are followed. In my experience, police will actively avoid arresting spontaneously arriving children as the act of arrest serves little purpose, as nearly always there is no intention to prosecute.

5.4.6 **Charging and Remanding into Adult Custody:** In my experience, children are not charged with illegal entry immigration offences as they are recognised as children and therefore inherently vulnerable and, to the best of my understanding, it is not considered to be in the public interest to charge and remand. In my experience, all spontaneously arriving children are released into the care of the local authority without charge.

²² [national-strategy-for-the-policing-of-children-young-people.pdf \(npcc.police.uk\)](https://www.npcc.police.uk/national-strategy-for-the-policing-of-children-young-people.pdf)

- 5.4.7 Charging and remanding in custody will be an extremely scary experience for any child, and especially so for unaccompanied minors who are more likely to have negative experiences of police forces either back in their country of origin, or along their migration journey. For example, in Libya, many unaccompanied young people like AGB are “arrested” and held in “prisons”, where they are subject to abuse and ill-treatment²³. The process of charging and remanding children with these experiences is highly likely to retraumatise them, which may cause significant harm to their mental health.
- 5.4.8 In addition to the above, children who are charged and remanded as adults will be placed into custody with other adults who have committed various, possibly serious crimes. Placing a child alongside adult offenders would always be considered a safeguarding risk and should be avoided, however, when children are incorrectly assessed as adults, this risk is not recognised, and safeguards are not put in place.
- 5.4.9 As AGB and ■ were treated incorrectly as adults, they were charged and remanded as adults and therefore at an increased risk of becoming retraumatized.
- 5.4.10 Given the risks to children in adult custody, it is imperative that decisions on age are robust, as the implications of getting this wrong can have a significant detrimental impact on children. Given that AGB and ■ were “age disputed” when they were arrested and charged and taking into consideration the detrimental impact of placing a child in adult custody, it was imperative that any decision on age was robust. In my view, the short initial age assessment based on physical appearance at the point of arrival, when children are likely to present as older due to their experiences, was not robust and therefore an unreliable method of determining how AGB and ■ should be processed. In my opinion, when charging and remanding are being considered for an individual who is age disputed, a full assessment needs to be undertaken to ensure that children are safeguarded from the potential risks associated with being placed in adult custody.

²³ [The safety and wellbeing of children at high risk in detention centres in Libya - UNICEF UK](#)

- 5.4.11 **Convicting and Sentencing:** According to the Sentencing Council's Guide: Sentencing Children and Young People courts should *"avoid criminalising young people unnecessarily... and consider any factors that may diminish the culpability of a child or young person"* ²⁴. Young people who have had their journeys facilitated by their families, or a people smuggler may be considered to have diminished culpability and therefore, it may not be appropriate to convict/sentence them for arriving in the UK without prior permission. This is reflected in my experience, where I have never worked with or encountered an unaccompanied minor that has been charged, convicted and sentenced for illegal entry offences, as it is recognised that this is not in their or the public interest.
- 5.4.12 Young people who are incorrectly assessed as adults, do not benefit from the same process and in the case of [REDACTED] and AGB, they were criminalised without their ages being properly considered. Based on my experience had their ages been more thoroughly considered, it is unlikely that they would have been prosecuted at all.
- 5.4.13 Young people in the UK who do not understand their rights and entitlements, and may not speak English, will be less able to self-advocate and raise concerns to the appropriate welfare professionals. In my experience they have a limited understanding of the UK systems, and they are reliant on knowledgeable professionals recognising their vulnerability and then requesting access to the appropriate support. Age disputes are a specialist area of practice, and even in social work, it is not mandatory training for professionals. In my experience working with age disputed children in the criminal justice system, their legal advocates are less likely to understand the age assessment process, meaning that young people are not afforded the same level of representation as children supported by for example immigration lawyers, who are more likely to understand the age dispute process.
- 5.4.14 In my opinion, young people who are detained with adult offenders are more likely to witness or experience frightening behaviour, abuse, negative influence and potential exploitation. The prison system in the UK has issues with substance misuse and gang

²⁴ [Sentencing Children and Young People – Sentencing \(sentencingcouncil.org.uk\)](https://www.sentencingcouncil.org.uk)

activity, that when combined with isolation due to language and cultural barriers, places young people at risk of serious harm. Children are more vulnerable than adults, they lack the skills to remove themselves from unsafe situations and are reliant on adults for protection. Sentencing children and placing them alongside adults who have committed offences, places them at risk from those same adults who may abuse and exploit them.

5.4.15 According to a report published by the Centre for Criminology²⁵

“Age-disputed children in adult prison are at serious and obvious risk of harm. The children we have worked with have been routinely made to share cells with adults who are not known to them, where they were locked in for the majority of each day” As highlighted above in section a, children sharing rooms with adults is inappropriate, however, there are no safeguards in place to manage these risks, unless the young person self-advocates, a difficult task when English is not your first language and you are unfamiliar with the UK criminal system.

5.4.16 According to the same report, young people spoke about experiencing trauma symptoms, such as nightmares, flashbacks, distress, panic and hopelessness, which could be considered serious harm depending on the severity.

5.4.17 The Children’s Commissioner also highlighted concerns in a visit to HMP Elmley where she stated *“Home Office guidance states that someone claiming to be a child should be treated as one unless ‘their physical appearance and demeanour very strongly suggesting that they are significantly over 18 years’.* This was certainly not the case for the young people my team met, who appeared to be young, scared and confused”²⁶. This not only highlights the impact that prison environments have on young people, but also demonstrates that the decision that someone’s physical appearance and demeanour very strongly suggests they are over 18 years, is subjective, and when there are serious potential safeguarding risks present, they should be more thoroughly explored.

²⁵ [No such thing as justice here Feb 2024](#)

²⁶ [Update on the Illegal Migration Act | Children's Commissioner for England \(childrenscommissioner.gov.uk\)](#)

5.5 Can you comment on the balance to be struck of the safeguarding issues which arise if a child is inadvertently treated as an adult, and if an adult is wrongly accepted as child and how this is addressed in social work practice including the placement options available for those who claim to be children but the Home Office requires further investigations (Outcome 3 cases) or considers are adults (Outcome 1 cases).

5.5.1 There is a binary age limit to the provision of support under the Children Act 1989, whereby a mature and independent unaccompanied 17 year old has rights and entitlements, whereas a vulnerable 18 year old does not. Therefore, the issue of age is critical for providing services but only on the issue of eligibility, as it does not reflect the needs and vulnerabilities of individuals. I have worked with 18 year olds who were incredibly vulnerable and required ongoing support as a care leaver, and conversely, I have worked with 17 year olds who I have had very few concerns over, as long as they maintained access to the services they were entitled to.

5.5.2 There is a concern that children who are wrongly treated as adults experience harm to their emotional wellbeing and potentially their physical safety²⁷²⁸. As they do not have access to a parent or guardian, they are vulnerable to exploitation, abuse and are likely to fall through the safeguarding nets of statutory services.

5.5.3 There is little research on the difficulties of placing adults in children's settings, however, many people cite examples where young people (later found to be adults) have caused significant harm, as a reason for caution²⁹. In my view, as a profession, we should be cautious when highlighting these extreme cases as they are a) few in number, b) create an environment where young people under 18 are not believed and treated with suspicion and c) oversimplify the risk (over 18 = dangerous, under 18 = safe) and miss opportunities to appropriately risk assess and manage a young person. It is important to note that chronological age is not, in and of itself a risk, however, there may be behaviours that adults are more likely to exhibit than children. It is also

²⁷ [Labour MPs raise concerns over welfare of child migrants | The Independent](#)

²⁸ [Forced-Adulthood-joint-report-on-age-disputes-January-2024.pdf \(refugeecouncil.org.uk\)](#)

²⁹ Black, S (2020) *Written in Bone: Hidden Stories in What We Leave Behind*: Penguin Books: London.

important to note that there are several under 18's in the care system who have caused harm to their peers, however, their behaviour is the risk and not their age.

5.5.4 We are used to managing risks of potential adults being placed in children's services. For example, the National Transfer Scheme allows age dispute cases to be transferred between local authorities, pending further exploration. During the transfer process, if there are uncertainties about age, local authorities must secure appropriate placements. These placements should facilitate further assessment and implement safeguards in case the assessment determines the individual is an adult. In my recent work with various local authorities, I am aware that a significant proportion of children are now being transferred through the National Transfer Scheme with age disputes on their file.

5.5.5 When young people newly arrived in the UK are placed in a variety of different settings, including foster care, children's homes and semi-independent provisions, all of which offer different levels of protection for both the newly arrived young person and other children in care. Foster care offers a good level of protection as the carers are trained professionals experienced in identifying risk indicators and have a physical presence, enabling them to be a protective factor with high levels of supervision. However, given the shortage of foster placements in the UK, these placements are normally reserved for those who are 15 years and younger, as per the statutory guidance³⁰. Placing someone who is claiming to be 15 or under (where we suspect they may be 18+) must be carried out with care and with a robust risk assessment put in place. Given the foster carers are more likely to have younger children in their care, social workers should take this into consideration before placing someone they suspect to be over 18.

5.5.6 The specific risks associated with incorrectly assessing a child as an adult can include the following:

Risk	Children wrongly assessed as adults (impact on child)	Safeguards
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³⁰ https://www.legislation.gov.uk/ukxi/2021/161/pdfs/ukxiem_20210161_en.pdf

Safeguarding	Children wrongly assessed as adults will be placed alongside adults who may pose potential risks such as abusive, frightening and/or intimidating behaviour.	Limited safeguards are in place. Although staff are present in hotel contingency accommodation, the same does not exist in houses of multiple occupancy (HMO's). Therefore, if there was an example of a young person in a placement with adults who were displaying inappropriate or frightening behaviour, there are no staff available to identify these risks, or for the child to raise concerns. Children and young people newly arrived are normally unaware of the support systems in place and may not be aware of where to turn if they need protection or support. It will be dependent upon their ability to communicate, access to mobile phones and internet and available transport to charitable organisations. Children placed in prisons are at an increased risk, due to being placed alongside adults who are more likely to display this behaviour.
Influence	Children are more emotional and more likely to display risk taking behaviour as they develop their emotional regulatory skills. Those who are placed alongside adults, may be at risk of negative influence by adult behaviour. Children with no parent or carer available to them are at an increased risk of exploitation and abuse.	Limited. Children placed in adult contingency hotels or asylum dispersal HMO's will have limited access to staff that can check and monitor their welfare. Those in HMO's would be self-reliant to access non-governmental organisational or charity support, which is challenging when children don't speak English and are unfamiliar with the UK system of support. As above, those in custody and prison are more likely to be exposed to offenders who have a history of displaying this type of behaviour.

Legal	Children wrongly treated as adults are subject to legal proceedings that will be managed through adult procedures and will be disadvantaged as a result. Children are more vulnerable than adults as they frequently lack autonomy, with little to no say about the services or care they receive, unless supported by a carer/non-government organisation that can promote their rights. Therefore, young people subject to criminal proceedings will not have access to these support networks, resulting in a situation where they are unaware of their rights and entitlements and are disadvantaged. Children who are wrongly assessed as adults are more likely to be prosecuted and placed in prison for immigration offences, compared to children who's claimed age is accepted.	Limited Children will not have access to support from an appropriate adult whose role is to explain their rights, ensure they understand what is happening and challenge any inappropriate behaviour from professionals. Children in prisons are not always believed when they maintain their date of birth, and their ability to access the appropriate support to remedy this, is dependent on their advocates specialist knowledge and expertise.
Health	Children wrongly treated as adults who require medical treatment will be treated as an adult and this can have implications for medication dosage and treatment options. This could have a significant impact on their physical health. Young people who are 16 or 17 can consent to their own medical treatment, however, young people who are 15 years old and younger can only give consent to their own treatment if they are considered <i>"to have enough intelligence, competence and understanding to fully appreciate</i>	Unclear Although a rare occurrence, there is anecdotal evidence that young people who are suspected of being over 18, have been treated as children in the medical system, with professionals expressing concerns that the medication was not going to have the impact they aim for, as the dosage was lower on account of their age. If we consider this in reverse, there is a possibility that health professionals could prescribe medication at a dosage that might not be appropriate for someone who is under 18 years of age. Although metabolism isn't only

	<i>what's involved in their treatment. This is known as being Gillick competent</i>".³¹ Children wrongly assessed as adults will be assumed to be Gillick competent due to their assessed age but may not have the required intelligence, competence or understanding to give this consent. In the absence of these safeguards, children who are 15 and under will ordinarily have the support of a parent or carer to provide consent on their behalf in their best interests, however, for those wrongly treated as an adult, this safeguard is not in place.	restricted to age and can include other factors such as gender, weight etc. some medications that have significant side effects may be more closely monitored if prescribed to a child than for an adult. There is a small risk that children may be prescribed medication as an adult, that would not be monitored in the same way if administered to a child.
Education/work	Children who are wrongly assessed as adults miss out on their right to education as defined by the United Nations Convention on the Rights of the Child (UNCRC)³² Once their immigration status is regularised, they may be expected to work or seek employment before they are ready. If they continue employment in the UK, they will be able to receive a statutory pension earlier than their peers.	Limited Children wrongly assessed as adults are not entitled to statutory education provision³³, which would disadvantage them as a result. They are reliant on the non-governmental organisations and charities available to access English lessons but will have limited access to other courses.
Discrimination	Asylum contingency hotels have been subject to protests, which would be frightening for young people³⁴.	Hotels have support from police and other agencies to manage protests and hostile behaviour from outside populations.

³¹ [Consent to treatment - Children and young people - NHS \(www.nhs.uk\)](http://www.nhs.uk)

³² [UN Convention on Rights of a Child \(UNCRC\) - UNICEF UK](http://www.unicef.org)

³³ Under Part 1 of Education and Skills Act 2008 young people aged 16 and 17 who have not attained level 3 qualifications of sufficient size are under a duty to continue in education or training until the young person's 18th birthday.

³⁴ [Knowsley: Three arrested after protest at Merseyside asylum seeker hotel - BBC News](http://www.bbc.com)

	Although the risk of anti-immigration rhetoric exists across all age groups, we have not seen protests outside children's residential services in the same way that we have seen protests against adult hotels.	
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5.5.7 As social workers we continually assess and manage risk, both in our resident children population as well as our asylum-seeking population. Having oversight of potential risks, allows us to put appropriate strategies in place, and potentially remove people from children's services who are not entitled. For example, in Outcome 3 cases, where we have suspicions that someone might be an adult but is claiming to be 15 and therefore would require a foster placement, social workers can put risk assessments in place to manage this. We could search for "solo placements" where the young person would be placed as the only child in the household. This would ensure that their rights as a child are exercised pending further enquiries, whilst not placing other children at potential risk. Where suspicions have been raised that those claiming to be 16 and 17 are actually over 18, they are more likely to be placed in semi-independent provision potentially with other young people, which requires an additional risk assessment to be completed. Some local authorities manage this risk by having separate accommodation provision for age disputed young people, allowing them to receive services as a child but without access to other young people, pending their age assessment.

5.5.8 Placing potential adults in care settings with vulnerable looked after children carries risk, however, social workers are well placed to assess these risks and respond appropriately. A tool that can support this is the full "Merton compliant" age assessment process. Where there are concerns that someone is an adult, the full process enables social workers to explore and consider the available evidence. Social workers will be unaware when a child is incorrectly assessed as an adult and are therefore unable to put appropriate safeguards in place. In my opinion, the risk to children wrongly assessed as adults is far more significant than the risk of potentially

placing an adult in a children's setting, where robust risk assessments and safeguards are in place.

5.5.9 Conversely, statutory social work has no duty or power to risk assess or manage risk to a young person wrongly treated as an adult. To give an example, I completed an age assessment on a young person who had been living in adult accommodation for 18 months but was found to be under 18 in the process. He spent every evening outside of the HMO, as the other adults he was living with were misusing substances and he was frightened. His strategy to manage this was to walk the streets every evening until around 6am, when he would return and sleep in the day as the adults were normally out of the house. During those 18 months he was particularly vulnerable, walking the streets at night, however, there was no statutory response to adequately risk assess and support him.

5.5.10 I have conducted several age assessments of children, where their experience in hotel accommodation has led them to start smoking and misuse alcohol, having been influenced by the adults they live with. By way of another example in a recent case, I completed an age assessment that concluded the client was a child of 16 years old (having previously been considered as "significantly over" by the Home Office), who had been waiting for 12 months in adult accommodation before his assessment. This meant that he had missed the opportunity to attend school (as he had turned 16 in the process) and as a result was disadvantaged.

5.6 As well as any duty to accommodate can you comment on social care and health duties that exist for UAS children.

5.6.1 UASC Children have the same rights and entitlements to social care under the Children Act 1989 as their citizen peers, however, their unique needs are recognised in the Statutory Guidance: "Care of unaccompanied migrant children and child victims of modern slavery" (November 2017).

5.6.2 Under the childcare legislation and statutory guidance, UAS children are entitled to the following:

- An allocated social worker

5.6.3 This role provides children with a named person acting on behalf of their corporate parent, the local authority. Social workers develop relationships with children that allow them to understand and manage their needs with appropriate support in place. Children from asylum seeking backgrounds often arrive in the UK with trauma, and it takes time to build trusting relationships as they often do not have positive experiences of professionals in positions of authority. The role of the social worker is to be a consistent adult in that child's life, advocating, supporting and making decisions in their best interests.

5.6.4 When children are unaccompanied in the UK, they are not afforded the same level of professional relationship and are reliant on non-government services, which are inconsistent across the UK. They are less likely to have a named professional to call upon when support is required, and less likely to self-advocate due to their age.

- A care plan

5.6.5 In most circumstances unaccompanied children who arrive in the UK will become Looked After Children as defined by Section 20 of the Children Act 1989³⁵, and will therefore be entitled to a care plan outlining their needs and the support/interventions in place to meet them³⁶. The plan recognises the individual child's needs across a wide range of considerations using the assessment framework³⁷, and will develop and evolve as the child grows. For example, a newly arrived child will require reassurance and advocacy to help them understand and navigate their life in the UK, however, after a period, they may require support with things such as forming

³⁵ [Children Act 1989 \(legislation.gov.uk\)](#)

³⁶ [The Care Planning, Placement and Case Review \(England\) Regulations 2010 \(legislation.gov.uk\)](#)

³⁷ [Working together to safeguard children 2023 - statutory guidance.pdf \(publishing.service.gov.uk\)](#)

and maintaining appropriate relationships. The care plan can be reviewed and adapted as the child develops and support put in place as appropriate.

5.6.6 Children who are wrongly assessed as adults are not entitled to a statutory care plan and therefore are at an increased risk of their needs being unidentified or met, as appropriate to their age. They are more likely to be considered by other agencies as adults, and therefore expected to respond to services in a way that is beyond their development. For example, children newly arrived may require support when attending a GP surgery for a health complaint. Children who have a care plan will receive support to develop their skills in managing this independently, whereas conversely, a child wrongly assumed to be an adult, will be expected to make and attend these appointments independently, which is beyond their developmental ability. This may impact their ability to access services as their needs are not properly understood.

- An independent reviewing officer

5.6.7 As above, children who are Looked After, will be entitled to an independent reviewing officer whose role is to add an additional level of safeguarding, ensuring that children's services are meeting the child's needs³⁸. Their role is to monitor and ensure that care plans are appropriate, meet the needs of the child and are being implemented correctly.

5.6.8 Children who are wrongly assessed as adults lack this additional safeguard as they are not recognised as children.

- Access to education

5.6.9 All children in the UK, regardless of their immigration status, have a right to education and are required to be in some form of this until their 18th birthday³⁹. For

³⁸ [Independent Reviewing Officer \(IRO\) - Family Rights Group \(frg.org.uk\)](https://www.frg.org.uk/)

³⁹ [Participation of young people in education employment or training.pdf \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/612222/Participation_of_young_people_in_education_employment_or_training.pdf)

unaccompanied children this offers an opportunity to develop skills in English language, which helps develop confidence, friendships and integration. For many unaccompanied children, education is also a support mechanism that allows them to recover from their past experiences. Throughout my work, children will often cite attending school or college as a protective factor, and I observed a strong correlation between educational attendance and positive mental health outcomes.

5.6.10 In addition to the above, local authorities have a duty to safeguard and promote the welfare of any child looked after by them which includes a duty to promote the child's educational achievements⁴⁰. All local authorities are required to have a Virtual School Head⁴¹, whose responsibility it is to monitor attendance and progress in education and ensure that appropriate resources are in place to meet educational needs.

5.6.11 Children who are wrongly assessed as adults are denied their right to education and are reliant on non-government organisations to provide ESOL classes, which are normally 1-2 hours per week. This disadvantages children, as their ability to learn English is significantly reduced compared to their peers in education.

5.6.12 They do not have access to the same resources available from the Virtual School Head, and attendance and progress is not monitored. In my experience, when children are wrongly assessed as adults, they are more likely to experience poor mental health, lack of motivation and a fear of being around adults, and are therefore potentially less likely to attend adult ESOL classes without support.

- Access to GP, dentist, optician and specialist Looked After Child nurse

5.6.13 Although all asylum seekers in the UK can access the GP, optician and dentist, there is a statutory requirement for all Looked After Children to have an annual health

⁴⁰ [Welcome to NAVSH](#)

⁴¹ [Promoting the education of looked-after children and previously looked-after children.pdf \(publishing.service.gov.uk\)](#)

assessment⁴², that considers their health needs, therefore removing the responsibility of highlighting potential issues from the child.

5.6.14 Children who are wrongly assessed as adults will be expected to independently manage their own health needs, with no support and a lack of understanding of the health care system in the UK.

- Leaving care entitlement (dependent on time in care)

5.6.15 As previously mentioned, all unaccompanied children whose ages are accepted, will become Looked After and they are entitled to a personal advisor and a pathway plan. In my experience, most unaccompanied children will be entitled to leaving care support as a “relevant” child, pursuant to Section 23C of the Children Act 1989, due to their length of time in care. Under the Care Leavers (England) Regulations 2010 there is a duty on the local authority to undertake an assessment of need, develop and review a pathway plan alongside the relevant or former relevant child⁴³.

5.6.16 These rights and responsibilities will be discussed in more detail below, however, it is important to note that children who are incorrectly assessed as adults, will not have the same rights and entitlements and would therefore not have access to support and safeguards.

- A personal advisor (once turned 16)

5.6.17 Looked After Children who are considered “relevant” are entitled to a personal advisor⁴⁴ from the age of 16, who works alongside the social worker until the child is 18. The role of the personal advisor is to support the transition from child in care to leaving care, recognising that this is a vulnerable transition point for all Looked After Children. Unaccompanied children who are transitioning to leave care services are additionally vulnerable as they lack the experience and knowledge of UK care systems,

⁴² [The Care Planning, Placement and Case Review \(England\) Regulations 2010 \(legislation.gov.uk\)](#)

⁴³ [The Care Leavers \(England\) Regulations 2010 \(legislation.gov.uk\)](#)

⁴⁴ [Children Act 1989 \(legislation.gov.uk\) Schedule 2 Part 2 19C](#)

and the role of the personal advisor is to support them with this. By working alongside the social worker, the personal advisor can obtain a more in-depth understanding of the need's, vulnerabilities of the individual child and can plan for these accordingly, ensuring they enter adulthood in a supported way with the appropriate safeguards in place.

5.6.18 Children who are wrongly assessed as adults do not receive this support, and there is no transition period that allows them to develop their independent skills. They are expected to manage independently, without assessment or consideration of their skill set, and are less likely to have access to support staff that can help. The transition to adulthood is complex, as systems and people treat children differently and this can be difficult to navigate without support.

- A pathway plan to transition to adult services

5.6.19 As above, Looked After Children who are 16-17 years old are required to have a pathway plan that documents the child's support needs and vulnerabilities as they transition to an adult⁴⁵. Between the ages of 16-17 this is completed jointly by the child, social worker and personal advisor, and post 18, it is completed by the young person and personal advisor. There is a requirement to review these, every 6 months to ensure the plan remains relevant and to adapt to the changing needs of the young person. Safeguarding needs are also considered within the pathway plan allowing potential vulnerabilities to be identified and appropriate strategies to be put in place to mitigate risk. For example, a child that has experience trafficking or modern day slavery is potentially vulnerable to re-trafficking, however, the pathway plan could put support in place such as education on exploitative relationships, exit plans etc., to mitigate these risks.

5.6.20 Children wrongly assessed as adults are not entitled to the development of a pathway plan and subsequent reviews. As a result, it is more likely that their needs as children and emerging adults will not be recognised, and their welfare will be impacted as a

⁴⁵ [Children Act 1989 \(legislation.gov.uk\) Schedule 2 Part 2 19B \(4\)](https://www.legislation.gov.uk/ukpga/1989/12/schedule/2/part/2/section/19B)

result. There is no automatic assessment of safeguarding or protection needs and those that are most vulnerable are at high risk of “slipping through the net”.

- Appropriate accommodation to meet needs

5.6.21 Both as a Looked After Child and Care Leaver, the local authority must give due consideration to the child/young persons accommodation needs and ensure that provision is appropriate. For example, ensuring that staff are available in a semi-independent unit, that homes in high risk areas are monitored, CCTV is available etc.

5.6.22 Children who are wrongly assessed as adults are more likely to be placed in accommodation that is unfit to meet their needs. This could be in adult hotel contingency accommodation, where children may have to share a bedroom with an adult, placing them at risk. Similar risks are present in dispersal houses of multiple occupancy where children are living alongside unknown adults without supervision or review. Those children are also expected to be self-sufficient in managing a budget, cooking, cleaning and caring for themselves, but may lack the skills to do so. Although many children make their way to the UK independently, it is inappropriate to consider the skills learnt along the way as independent skills. In my opinion, they should be considered survival skills, which is a different skill set.

5.7 Please comment on the safeguarding concerns of treating a child as an adult for referral for prosecution, charging, remanding into adult custody, convicting and sentencing (64d of the letter of instructions) and the appropriateness or otherwise of seeking to undertake a Merton compliant age assessment whilst an applicant is in custody (64e of the letter of instructions).

5.7.1 Given the detrimental impact of incorrectly treating a child as an adult for prosecution, charging remanding, convicting and sentencing as outlined in section 5.4, it is imperative that decisions on age are thoughtfully considered, using all of the available evidence. In my opinion, short form age assessments, based on physical appearance are unreliable and therefore at high risk of incorrectly treating children as adults. In my view, where an individual is being considered for prosecution, charge and sentencing, and they maintain that they are a child, proper consideration should be

given by undertaking a Merton compliant age assessment. To conduct a full assessment, the client would need to be out of custody and observed in more natural environment by a range of professionals, as this would add depth to the evidence base.

5.7.2 Where there are considerable concerns about age and age-related behaviour, appropriate safeguards would need to be deployed to mitigate risks to the client and any other children/young people in close proximity. As mentioned previously within the report, I am aware of some local authorities that have age assessment short term accommodation, where they can assess age before placing the person with children or young people. Where this provision does not exist, it may be possible for local authorities to consider the use of temporary solo placements to mitigate risk.

5.8 In answering this I would be grateful if you could outline any experience you have of age assessments being conducted in criminal courts (such as the Magistrates' Court or the Crown Court) and what is your experience of age assessments in other judicial settings such as the Upper Tribunal?

5.8.1 I have experience conducting age assessments for both criminal and immigration courts, and in this role, I have encountered both adult and child clients in each setting. I have been instructed to complete age assessments for the criminal court on 5 cases (findings: 2 adults and 3 children) and provided advice to solicitors on several others. I have been instructed to complete over 50 age assessments on cases in the immigration courts.

5.9 Can you comment on how the process or your experiences differ, and what issues you have experienced, if any, and any comments you have about the process of determining age in different courts?

5.9.1 In my view, the process of instructing, completing and concluding age assessments significantly differ between the two courts. When instructed by those in the criminal courts, it has been my experience that solicitors who are representing their clients will often have very little understanding at all of the age assessment process, its requirements and limitations. Through my work supporting local authorities I have been made aware of judges having similar limited understanding and experience of

age disputes . ⁴⁶ In my limited experience, I have found that those working in the criminal justice system are less likely to understand the impact that trauma and migration journeys might have on someone's presentation and memory recall.

- 5.9.2 In a recent example, a 15 year old was arrested and detained for attempting to travel abroad on a false passport and for making a fraudulent visa application. Both the false passport and the ID used to make the visa application made him 30+ years old and he was treated as such, despite every professional working with him agreeing that this was incredibly unlikely. Based on the information I obtained, it was my view that this young person was trafficked into the UK undetected and was caught being trafficked out of the UK. In my view, I felt there was a lack of understanding in child trafficking and how children can be moved around on false documents and initially relied on the documents which were agreed to be false, as evidence of age. In my view, the criminal courts are not well equipped to address age dispute matters . When considering the issue of age in the criminal justice context, it is my view, that children of black heritage are more at risk of adultification than their white citizen peers:

‘The concept of adultification is when notions of innocence and vulnerability are not afforded to certain children’⁴⁷

- 5.9.3 In the example above, the young person was seen as a criminal first, with no consideration to him being a potential victim of trafficking, and lacking agency in the decisions taken on his migration journey. Although I do not have significant experience to draw upon, it is my view that unaccompanied children being assessed through the criminal courts (most of whom would be racialised as black), are more likely to receive an adverse conclusion than those through the Upper Tribunal.

- 5.9.4 Comparatively, I find solicitors and judges in the Upper Tribunal to have the necessary specialised knowledge about age assessment and therefore children (and those found

⁴⁶ [14.169 HO AESAC report V6 FINAL WEB.pdf \(publishing.service.gov.uk\)](#)

⁴⁷ Davis, J. and Marsh, N. (2020). ‘Boys to men: the cost of ‘adultification’ in safeguarding responses to Black boys’, *Critical and Radical Social Work*, 8(2), pp. 255-259 cited at [Academic-Insights-Adultification-bias-within-child-protection-and-safeguarding.pdf \(justiceinspectors.gov.uk\)](#).

to be adults) receive a higher standard of assessment and are aware of their rights and entitlements.

STATEMENT OF TRUTH

I confirm that I have made clear which facts and matters referred to in this report are within my own knowledge and which are not. Those that are within my own knowledge I confirm to be true. The opinions I have expressed represent my true and complete professional opinions on the matters to which they refer.

I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed  .

Date: 23rd July 2024