

## UNHCR 6<sup>th</sup> Report (April 2009): Quality Initiative Project Implementation Matrix

	Area of Business and Recommendation	UKBA Response	Progress	Owner	Due Date
<b>Children's Asylum Process</b>					
1	In all elements of its asylum decision-making process for children, UKBA should give primary consideration to the best interests of the child. An assessment and consideration of each child's best interests should take place in a systematic manner for any action by UKBA that affects the children under its remit.	<p>Accept in principle</p> <p>The UKBA is committed to ensuring that the best interests of the child are a primary consideration in accordance with the statutory duty to 'safeguard and promote the welfare of children' under section 55 of the Borders, Citizenship and Immigration Act which shall come into force in October 2009.</p> <p>The importance of the child's best interests' principle is currently being supported by the UKBA's <i>Code of Practice for Keeping Children Safe from Harm</i>. This will soon be replaced by Section 55 guidance.</p>	<p>The UKBA is working with UNHCR to review the Asylum Instruction (AI) on 'Processing Asylum Claims from Children' as well as the training provided to caseowners as a means of ensuring that all staff are mindful of the child's best interests. UNHCR will be given the opportunity to review the content of all relevant AIs and UKBA training that touch on incorporation of the best interests' principle and to provide recommended improvements.</p> <p>Furthermore, all UKBA staff are currently required to complete a mandatory e-learning programme on 'Keeping Children Safe'. This will now be supplemented by a new e-learning programme on the children's duty. This ensures that all staff, regardless of department, are aware of our commitment to the best interests of children. This will also ensure that the focus on the child's best interests is embedded in the culture of the UKBA.</p> <p>The UKBA are committed to ensuring that the audit process is able to monitor caseowners' compliance with these concerns and this remains a priority for auditors (see recommendation 10, 11 and 12)</p>	<p>Regional Managers;</p> <p>Training Teams-Anna Downing;</p> <p>Quality Auditors-Lea Jones</p>	On-going

2	<p>The UNHCR support the development of a 'guardianship' system, independent of the UKBA whereby, upon identification, any unaccompanied or separated asylum-seeking child is assigned a qualified guardian whose interests are not potentially in conflict with those of the child's and who will ensure the child's best interests are fully represented at all stages of the decision making process.</p>	<p>Decision postponed</p> <p>The UKBA agrees that every unaccompanied or separated asylum seeking child needs a person independent of the agency to act for the best interests of the child. To this end a 'responsible adult' system operates in the UK where every unaccompanied asylum seeking child is allotted to a responsible adult, usually a foster carer or local authority social worker.</p>	<p>The UKBA and UNHCR have discussed the shortcomings of the role of the responsible adult and other national mechanisms in place to assist children throughout the asylum seeking process. The UKBA are considering ways in which these systems might be improved or extended to meet the special requirements of minors.</p> <p>The UKBA question the added value of introducing a new scheme which has the potential to undermine the expertise of the current social working system, as well as having potentially significant cost implications. Nonetheless, the UKBA are awaiting a business case from Refugee Migrant Justice which will collate the views within the NGO sector. UNHCR will also be providing its views on the benefits and proposed mechanisms of a 'guardianship' scheme. The UKBA will reach a decision on this recommendation in light of this business case.</p>	<p>Bill Brandon</p> <p>Caroline Slocock (Refugee &amp; Migrant Justice); UNHCR; Other NGOs</p>	<p>Autumn 2010</p> <p>October-December 2009</p>
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Training				
3	<p>Training for caseowners should focus more thoroughly on specific skills and knowledge required for interviewing or making decisions on children's asylum claims. Training should include more explanation and practical application of refugee law concepts where child-specific considerations should be taken into account, including:</p> <ul style="list-style-type: none"> <li>o Child-sensitive approach to credibility assessment.</li> <li>o Child-sensitive interpretation of refugee law concepts.</li> <li>o Emphasis on the shared burden between caseowner and asylum applicant to ascertain and evaluate the evidence.</li> <li>o How to plan a focused interview using subjective and objective evidence.</li> <li>o How to appropriately and sensitively question on key elements of the claim.</li> </ul>	<p>Accept</p> <p>All caseowners who carry out minors' interviews are required to undertake Tier 3 training. The UKBA agrees that the current Tier 3 training should be reviewed and updated in line with feedback from the QADT team and the UNHCR's recommendations.</p>	<p>The training team are in the process of redrafting the Tier 3 training package. UNHCR have provided comments and recommendations on the content which are now being considered by UKBA. UNHCR will be given the opportunity to review the content of Tier 3 training further to incorporation of its comments and the opportunity to reflect any improvements or areas of remaining concern. Once the training programme has been developed, there will be trainers available in each region to deliver the programme for all new recruits.</p> <p>A consolidation training programme will also be developed for existing caseowners who have been trained according to the older version of the Tier 3 programme. UNHCR will be given the opportunity to feed relevant input into the development of this training.</p>	<p>Anna Downing</p> <p>October 2009 (Tier 3 Training).</p> <p>November 2009 (Consolidation Training)</p>

Guidance					
4	<p>The UNHCR recommends significant improvements to the Asylum Instruction on 'Processing Asylum Applications from Children' including more guidance on:</p> <ul style="list-style-type: none"> <li>○ Interviewing children.</li> <li>○ The shared burden to ascertain and evaluate all necessary evidence.</li> <li>○ Gathering medical evidence.</li> <li>○ Making requests for objective information to the COI unit.</li> <li>○ How to address age disputes in a decision letter.</li> <li>○ How to incorporate trafficking concerns into an assessment of the claim.</li> <li>○ Assessing credibility in a child sensitive manner.</li> <li>○ Assessing refugee law concepts in a child-sensitive manner.</li> </ul>	<p>Accept.</p> <p>The UKBA agrees that AIs should provide up-to-date and adequate information about UKBA policy.</p>	<p>The current AI on 'Processing Asylum Applications from Children' is in the process of being reviewed to make it compatible with the new statutory duty on children. Account will also be taken of the UNHCR recommendations and there will be an opportunity for the UNHCR to comment before this version is published.</p>	<p>Peter Roberts</p>	<p>November 2009</p>

Interviewing					
5	Files should be assigned and handed to the relevant caseowner a reasonable number of days prior to interview.	Accept.  The UKBA aims to ensure that case owners have all available evidence prior to interviews. Caseowners are also encouraged to use evidence available on UKBA databases wherever possible.	Audits carried out by the Quality Audit Team (QADT) have noted that the process of assigning files is sometimes delayed; this issue was raised by QADT in the Central London Regional reports in May 2008, July 2008 and every monthly report since then.  Logistical issues are the main cause for these delays. The UKBA is currently involved in various ongoing projects across the country, such as the Croydon Consolidation Project, which is a means of logistically restructuring the organisation in order to streamline operations.	Regional Managers	On-going
6	Caseowners should make all efforts to ensure an appropriate interview environment that facilitates the child's disclosure of evidence, including through: <ul style="list-style-type: none"> <li>o Better rapport-building with the child.</li> <li>o Attention to appropriate seating arrangements.</li> <li>o Ensuring the child has a sufficient number of breaks during the interview.</li> </ul>	Accept  The UKBA agrees that there need to be clearer guidelines as to the appropriate behaviours and environment for interviews with minors.	The redrafted version of the Tier 3 training programme as well as the updated AI on Children will address these aspects.  A newly drafted version of the introductory statement for childrens' interviews has been produced; this includes a clause stating that the interviewee will be "offered regular breaks during the interview" whilst also having the option to request breaks as and when required. UNHCR will be given the opportunity to view and provide comments on the newly-drafted statement.	Anna Downing  Peter Roberts  Jessica Fairall	October 2009 (Tier 3 Training).  November 2009 (AI update)  On-going

7	Introductory and mandatory text on the children's interview form should be reviewed and improved to make it more child-friendly and comprehensible to a child.	<p>Accept.</p> <p>The UKBA agrees that minors' interviews should be carried out in an age-sensitive manner.</p>	<p>The introductory and mandatory text of childrens' interviews has been redrafted to reflect a child's level of understanding. The section of the childrens' application form referring to the National Insurance (NI) application has been altered to give the child a definition of the NI number before proceeding with other information. The 'Credibility (section 8) Warning' section of the text has also been altered to explain that issuing such a warning is standard procedure. Furthermore, the opening questions have been updated to include additional questions as a means of reminding the child of having completed a Statement of Evidence Form (SEF), whilst also giving him/her the opportunity to make amendments or add information to the original statement. This is now in the process of being assessed and approved by senior managers after which it will be sent to UNHCR for comments.</p>	Jessica Fairall	On-going
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8	<p>Interpreters should be specially trained on how to interpret in children's cases.</p>	<p>Partly accept.</p> <p>The UKBA believes that the interpreter is duty bound to interpret what is said by the interviewing officer. The language used by the trained officer should be appropriate for an interview and reflected by the interpreter. If there are concerns about an interpreter's performance the information is fed back to the Central Interpreters Unit (CIU) on the Interpreters Monitoring Form. Upon receipt of the monitoring form the CIU may take the decision that the interpreter should not be offered assignments with children in which case this information will be recorded on the interpreter's database. UNHCR was consulted and contributed to the drafting of the interpreter monitoring form.</p>	<p>The UKBA agrees that rather than providing training to interpreters on how to interpret for minors, all interpreters should be issued with a document outlining best practice for interpreting in minors' interviews. The document has been approved by the Office of Children's Champion. UNHCR is currently examining the document and will make comments to be fed into the final draft. If interpreters fail to abide by this guidance, they could be prevented from receiving future assignments. This document will be sent to all current interpreters on the database and will be included as part of the induction packs given to new interpreters. Interpreters booked for minors interviews will also receive a copy of the document for reference prior to their interview.</p> <p>The quality of interpreting in children's interviews will continue to be monitored by the QADT through provision of updated and improved marking standards that include an assessment of whether interpretation is child-friendly.</p>	Tracey Hassett	October 2009
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**Children's procedures**

<p>9</p>	<p>The UKBA institutes a systematic and ongoing procedure to assess and consider the best interests of each asylum-seeking child at all stages of the decision making process where an action taken by UKBA affects the child. The best interests assessment should:</p> <ul style="list-style-type: none"> <li>o Be undertaken by staff with the requisite skills and knowledge.</li> <li>o Be documented.</li> <li>o Include consideration of the views of the child and the views of the child's assigned guardian.</li> </ul> <p>Amongst other instances, the best interests assessment should be conducted when:</p> <ul style="list-style-type: none"> <li>o Determining an appropriate timescale for considering the child's particular claim.</li> <li>o Deciding which source of evidence can and should be pursued.</li> <li>o Deciding whether it is appropriate to interview the child.</li> </ul>	<p>Accept in principal.</p> <p>The UKBA agrees that the best interests of the child should be embedded in the process for asylum-seeking children and that the UKBA is responsible for ensuring that proper training and audit mechanisms exist to achieve that.</p> <p>The UKBA agrees that interviewing children above 12 years of age is appropriate unless there is a significant reason for exception such as evidence of trauma or medical conditions. The UKBA also agrees that the current timescale used for processing asylum decisions is sufficient for claims from children.</p> <p>The UKBA concludes that the literal documentation of best interests' decisions will not add any significant value to the current procedures.</p>	<p>The UKBA is working with UNHCR to review the AI on 'Processing Asylum Claims from Children' as well as the training provided to caseowners as a means of ensuring that all staff are mindful of the child's best interests at each stage of the decision making process.</p> <p>Furthermore, all UKBA staff are currently required to complete a mandatory e-learning programme on 'Keeping Children Safe'. This will now be supplemented by a new e-learning programme on the children's duty. This ensures that all staff, regardless of department, are aware of our commitment to the best interests of children. This will also ensure that the focus on the child's best interests is embedded in the culture of the UKBA. UNHCR will be given the opportunity to review the content of all relevant AIs and UKBA training that touch on incorporation of the best interests' principle and to provide recommended improvements.</p> <p>Also, see recommendation 1.</p>	<p>Regional Managers;</p> <p>Training Teams- Anna Downing</p> <p>Quality Auditors- Lea Jones</p>	<p>On-going</p>
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Quality Assurance					
10	Child-specific quality assurance tools and marking standards should be developed.	Accept.  The UKBA agrees that the QADT can work with UNHCR to improve the quality standard tools currently in operation.	UNHCR continue to share their 'Best Practice' decisions with the QADT. This will feed into an amended version of the marking guidance for auditors which is now complete in draft format. The new version of the marking guidance will highlight aspects specific to conducting interviews with minors including awareness of a child's age, gender and level of maturity when conducting the interview as well as in coming to a final decision.	Lea Jones	November 2009
11	All staff conducting assessments of children's interview and decisions should be adequately trained in how to assess a child's claim.	Accept.  The QADT team ensures that all auditors working on minors' interviews have the relevant training and experience to deal with child specific assessments.	The QADT will ensure that all staff involved in auditing minors interviews have the opportunity to complete both Tier 2 training as well as the redrafted Tier 3 training package.	Lea Jones	QADT receive Tier 2 training- October 2009  QADT receive Tier 3 Training- December 2009
12	The QADT should assess a representative number of children's interviews (live) and decisions as part of their auditing activities and work with other UKBA staff to ensure remedial action on findings.	Accept.  The QADT aims to assess 10% of first-decisions and as many child-specific decision as possible.	The number of decisions audited will be dependant on the number of applications made by children in each quarter. The QADT have, however, resumed the assessment of 'live' minors' interviews where possible.  Previously, the QADT have conducted a thematic review on children's cases; the results of which fed directly into the training on minors. This demonstrates the QADT's commitment to working with other UKBA staff to ensure remedial action on findings. The team will repeat a similar thematic review of children's cases in the early part of 2010 which will be useful to embedding the duty into current UKBA policy.	Lea Jones	'Live' Interviews- September 2009  Thematic Review- Spring 2010